

SUMMARY REPORT

Application Ref:	20211037
Site Address:	55 Rochester Road Gravesend Kent
Application Description:	Relocation of 5no. car parking spaces and proposal of 2no. single storey dwellings and 3no. additional car parking spaces with ancillary works.
Applicant:	RDS Property Services Ltd
Agent:	Mr Sean Payne, Sean Payne Arch Design
Ward:	Riverside
Parish:	Non-Parish Area
Decision due date:	19 October 2021 (EOT to 3 November 2021)
Publicity expiry date:	24 September 2021
Decision Level:	Planning Committee – Wednesday 27 October 2021
Reason for referral:	Resubmission
Recommendation:	Refusal

Summary of Reasons for Recommendations

The proposal is for the construction of 2no. single storey 2-bed semi-detached dwellings located to the rear of the block of flats at No. 55 Rochester Road and associated parking and the relocation of existing parking to serve the residents of the flats at No. 55.

The recommendation is for the application to be REFUSED Planning Permission, for the following reasons:

1. The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of backland development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 71 of the National Planning Policy Framework (2021) which states 'Local planning authorities 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'.
2. The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 in terms of loss of private and shared amenity space, contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

3. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is located to the rear of No. 55 Rochester Road within the urban boundary of Gravesend as designated by the Local Plan. 55 Rochester Road is a 2 storey block of flats with dormers and rooflights built in the last 5-6 years.
- 1.2. Access to the site is via an unsurfaced surfaced unlit track way off the A226, located to the south side of the site and to the rear of Denton Court Road. The track is not believed to be within the ownership of the applicant.
- 1.3. The site is enclosed by a breeze block wall that increases in height as the land level changes towards the rear of the site.
- 1.4. The following photographs show the unsurfaced and unlit trackway.





- 1.5. Access to the site and existing communal parking for the residents of the flats of No. 55 is through metal double gates that sit at an angle to the trackway.
- 1.6. Opposite No. 55 to the west is St Johns Roman Catholic Primary School and to the south is St Mary's Church, a Grade II listed building.
- 1.7. The area is characterised by a mixture of detached bungalows on spacious plots and two storey terraced dwellings that have long gardens with detached garages and outbuildings to the rear.
- 1.8. The site is elevated above the gardens of dwellings in Denton Court Road to the east.

Procedural Issues

- 1.9. The application has been determined in accordance with the above submitted documents/plans and Paragraph 38 of the National Planning Policy Framework (NPPF) (2021) sets out adopting a positive and proactive approach to development proposals. In this case prior to this application being submitted the agent submitted a pre-application enquiry for the *Demolition of existing vacant outbuilding to the rear of 55 Rochester Road and erect 3no. new residential flats at the rear of the site. 2no. car parking spaces are proposed to the front of the property with 1no. car parking space proposed and 5no. existing car parking spaces relocated to the rear. Shared amenity space has also been provided at the rear (Ref. PRE20210246)*. However the current proposal differs from this scheme and the agent did not engage with the Local Planning Authority with a formal pre-application enquiry on the proposed development that is before us.
- 1.10. As discussed further in this report there is principal objection to the proposed development and it would not be possible to negotiate with the applicant to overcome the conflict with local and national policy.
- 1.11. Therefore a decision issued within 8 weeks would give the applicant a formal stance from the Local Planning Authority on its position with this application. In this instance an extension of time would not be appropriate to address the above issues and there is a strong reality that even with an extension of time with the application the applicant could not overcome the fundamental conflict with local and national planning policy.
- 1.12. No further information is considered necessary to be submitted or clarified by the applicant in order for the Local Planning Authority to determine the application.

2. Planning History

Application Ref	Description	Status	Date
20210397	Relocation of 5no. car parking spaces and erection of 3no. 2 bedroom self-contained flats and 3no. additional car parking spaces.	Refused at Planning Committee	19.05.2021
20201258	Erection of an additional 3 x 3 bedroom self-contained flats, relocation of 5no. car parking spaces and creation of 3no. additional car parking spaces.	Refused Appeal in Progress	04.02.2021
20190345	Application for a non-material amendment to planning permission reference no. 20150959 to allow an amendment to the rear-parking layout, retention of electric metre boxes, outbuilding, boundary block wall and metal gates.	Approval of Non-Material Amendment	08.05.2019
20171363	Application for the approval of condition 9 attached to planning permission reference no. 20150959 relating to details of the scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS).	Approval of Details	19.12.2017
20171018	Application for the approval of condition 9 attached to planning permission reference no. 20150959 relating to details of soakage.	Refusal of Details	11.12.2017
20161164	Application for the approval of conditions 4, 5, 6 & 8 attached to planning permission reference no. 20150959 relating to details of a construction management plan and construction access points, a Code of Construction Practice, details of the construction compound and storage of plant and equipment and details of wheel washing and chassis cleaning equipment.	Approval of Details	23.02.2017
20160584	***REVISED DESCRIPTION*** Application for the approval of conditions 7 parts (a), (b) and (c) only, attached to planning permission reference number 20150959 relating to details of	Approval of Details	16.09.2016

contaminated land assessment.

20160508	Application for approval of conditions 3, 11 and 12 attached to planning permission reference number 20150959 relating to details and samples of all external facing materials, landscaping scheme and external refuse storage.	Approval of Details	10.10.2016
20150959	Application for a minor material amendment to planning permission reference no. 20150176 demolition of existing dwelling and out-buildings and erection of a block of 4 self-contained flats, provision of 4 parking spaces; to allow conversion of the roof space to form a two bedroom additional self-contained flat.	Permission	11.11.2015
20150176	Demolition of existing dwelling and out-buildings and erection of a block of 4 self-contained flats, provision of 4 parking spaces.	Permission	29.04.2015
20140525	Application for minor-material amendment to planning permission reference number 20130335 being the erection of a detached two-bedroom chalet bungalow; to relocate the proposed dwelling 3 metres west to avoid line of existing sewer.	Permitted	12.08.2014
20130335	Erection of a detached two-bedroom chalet bungalow on land to rear of host property.	Permitted	27.06.2013
20130335	Erection of a detached two-bedroom chalet bungalow on land to rear of host property.	Permitted	27.06.2013
20120820	Erection of a detached two-bedroom bungalow in the rear garden.	Refused	16.11.2012
20100290	Erection of single storey two bedroom dwelling with rooms in the roof space and associated parking space.	Refused	28.05.2010
20081106	Erection of a detached two-bedroom bungalow with room in	Refused Appeal Dismissed	02.02.2009 17.12.2009

the roof space and laying out of two car parking spaces.

20080647	Erection of a detached chalet bungalow at the rear.	Refused	11.09.2008
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3. Proposal

- 3.1. This current application is for the construction of a 2no. single storey semi-detached 2 bedroom dwellings, 3no. additional car parking spaces and the relocation of 5no. car parking spaces to the front of the block of flats (No. 55 Rochester Road).
- 3.2. The proposed building would be single storey and triangular shaped, that would be set approximately 2.8m from the rear of No. 55. It would have an approximate width of 12.65m, 12.81m deep and 2.43m in height with a flat roof design.
- 3.3. House A would comprise of entrance hall, bathroom, open plan kitchen/dining/living area, 1no. double bedroom and 1no. single bedroom. The dwelling would also benefit from a private garden.
- 3.4. House B would comprise of entrance hall, bathroom, open plan kitchen/dining/living area, 1no. double bedroom and 1no. single bedroom. The dwelling would also benefit from a private garden.
- 3.5. The applicant has stated in the supporting planning application form, that the proposed dwellings would be affordable housing, however, upon further clarification, has advised that these would be private units potentially let to GBC Housing. As such, the proposal does not meet the criteria for affordable housing as set out in the National Planning Policy Framework and can only be considered as private market housing.

4. Planning Policy, Development Plan and other Material Considerations

4.1. Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Design & Development Principles

- 4.2. Paragraph 33 of the National Planning Policy Framework (NPPF) (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 4.3. The Council undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy (LPCS) is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the

National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

4.4. Saved Policies in the Gravesham Local Plan First Review (November 1994)

- T1 – Impact of development on the highway network
- P3 – Vehicle Parking Standards

4.5. National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places

4.6. Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)

5. Consultations and Publicity Responses

Consultations

5.1. KCC Highways

The proposal includes parking provision that complies with Kent Residential Parking Standards for an edge of centre / suburban location. All of the parking spaces are accessed of a private access road so do not affect the public highway. Cycle parking provision is included which is acceptable.

INFORMATIVE: 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 where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

I therefore raise no objection to this application on highway grounds.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

5.2. KCC Heritage

The site lies immediately to the north of the medieval church and cemetery of St Mary's. The site has the potential to contain below-ground archaeological remains

associated with the medieval and subsequent settlement at Denton and the proposed development has the potential to impact on any below-ground archaeological remains at the site. I recommend the following condition is placed on any forthcoming consent:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

5.3. GBC Housing

The proposed affordable housing would not meet the criteria we would expect and isn't something that we would support.

5.4. GBC Regulatory Services (Environmental Protection)

Having reviewed the application I have the following comments;

Electric Vehicle Charging Point(s)

This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwellings in support of the Council's commitment to become carbon neutral by 2030.

Contaminated Land

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Smoke Control

The property is located within the smoke control area and we would therefore ask for the following Informative to be included:

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 by emailing: air.quality@gravesham.gov.uk

Code of Practice on Construction and Demolitions

Please apply.

GBC Highway Development Management Officer

I have no objections to the proposal, but would prefer the car parking at the front of the property removed due to its proximity to the public highway which could result in a vehicle having to wait on the road whilst another vehicle completes its manoeuvring to the detriment of highway safety and the free flow of traffic.

All rear parking spaces should be wired to accommodate electric vehicle charging points of a minimum 7kW continuous supply, (more under surge conditions)

- 5.5. The application has been advertised by a site notice and individual letters to 21 neighbouring properties, with an overall consultation expiry date of 24th September 2021.

Neighbouring Properties

- 5.6. Three letters of representation have been received, objecting to the application with the following summarised comments:

- Entrance / Exit for vehicle access is too narrow
- Highway Safety – congested at school times
- Traffic Generation
- Inadequate parking provision
- Overdevelopment
- Emergency services could not access the properties due to narrow entrance
- Loss of Privacy
- Overlooking or sense of enclosure
- Loss of natural light
- Out of character
- Noise

6. Planning Analysis and Development Manager Comments

Background

- 6.1. Prior to 2015, the original site of No. 55 Rochester Road was a detached bungalow located to the front facing onto Rochester Road, with hard paved front garden, providing off road parking. The rear garden was hard paved with 2no. detached outbuildings including a garage and car port.

55 Rochester Road - Streetview May 2014



Satellite View May 2015

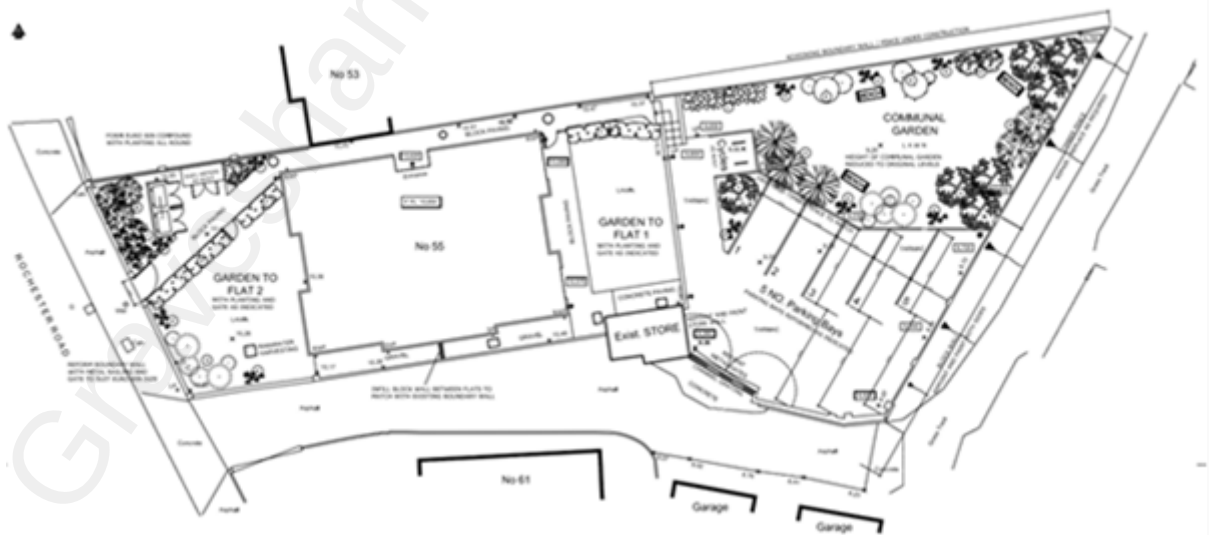


6.2. Planning permission was granted in 2015 for the “demolition of existing dwelling and erection of two storey building to provide 4no. two bedroom self-contained flats with Juliet balconies at first floor on front and rear elevation; laying out of four parking spaces, cycle store and conversion of existing outbuilding to refuse store” (Ref. 20150176).

6.3. Existing Streetscene (October 2021)



6.4. Approved Block Plan (Ref. 20190345) Under Non-Material Amendment, the permission requires the rear of 55 Rochester Road to be implemented as a communal garden, garden to flat 1, with parking for the residents and stores. With the front garden including a bin store and a garden for flat 2.



Prior to the current application before us, there have been two applications for the construction of a two storey detached building comprising of 3no. flats with associated parking located to the rear with additional parking provision to the rear and to the front of No. 55 (Refs. 20211258 and 20210397).

6.5. Application Ref. 20211258 was refused for the following reasons;

1. *The proposals are considered to constitute an overdevelopment of rear garden which would result in a comparatively cramped form of back land development which is poorly designed and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 70 of the National Planning Policy Framework 2019 which states 'Local planning authorities 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'.*
2. *The proposed two storey block fails to offer the space required for adequate living accommodation and results in poor outlook and inadequate level of natural to habitable areas to the detriment of the enjoyment of these dwellings contrary to Policy CS19 of the Core Strategy 2014 and para. 127f of the National Planning Policy Framework 2019.*
3. *The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 and the residents of No. 53 in terms of loss of outlook and overshadowing, contrary to Policy CS19 of the Core Strategy 2014 and para. 127f of the National Planning Policy Framework 2019.*
4. *The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 175 and 176) of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*

6.6. A revised scheme was submitted to address the previous reasons for refusal (Ref. 20210397) and was refused at Planning Committee for the following reasons;

1. *The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of backland development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 71 of the National Planning Policy Framework (2021) which states 'Local planning authorities 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'.*
2. *The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 in terms of loss of outlook and loss of private and shared amenity space, contrary to Policy CS19 of the Core Strategy 2014 and para. 127f of the National Planning Policy Framework 2019.*

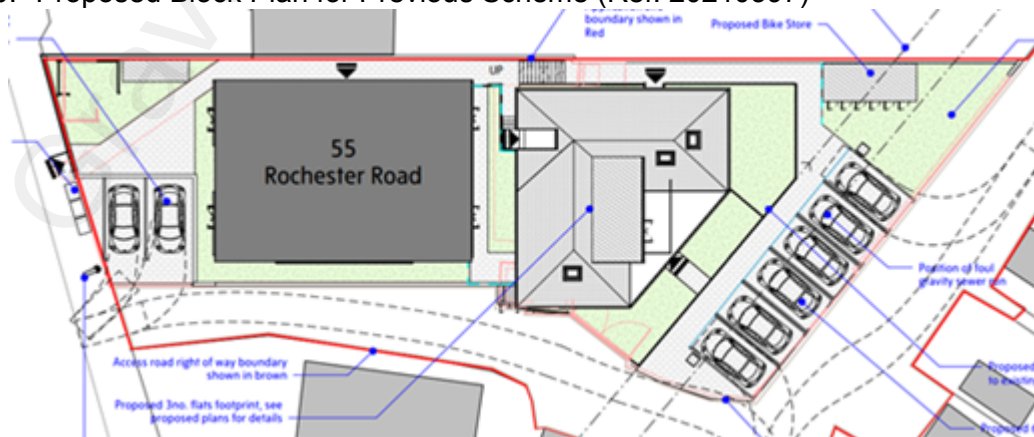
3. *The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations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

Comparison of Current Proposal to Previous Refused Application (Ref: 20210397)

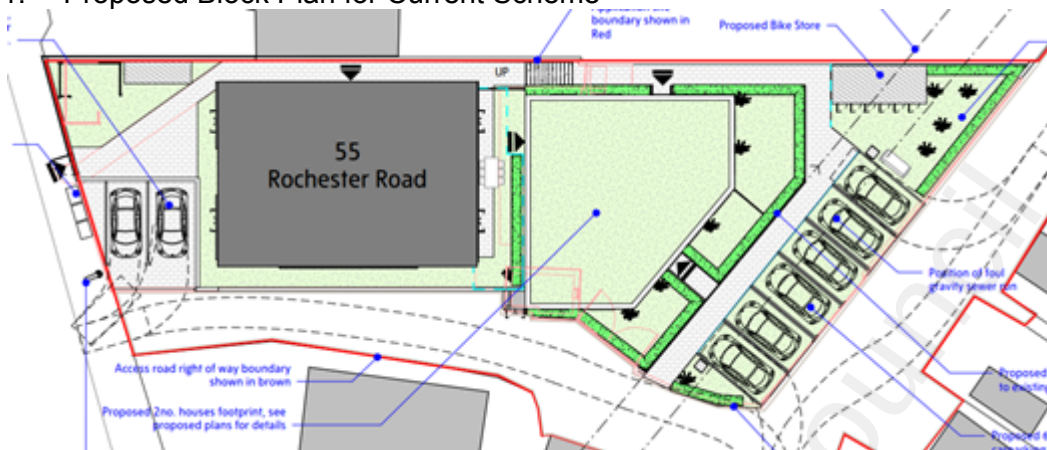
- 6.7. The current application seeks to address the previous reasons for refusal and the comments provided against the most recent pre-application enquiry (PRE20210246). It should be noted that an appeal against the refusal of application reference 20201258 is currently in progress but the Planning Inspectorate has not completed its assessment to date.
- 6.8. The main differences between the current scheme and the previous are;
- The proposal has altered from 3no. flats within a two storey block to 2no. single storey semi-detached dwellings;
 - The building has been moved further away from No. 55 by an additional 0.22cm approx. from 2.58m to 2.8m;
 - The overall footprint of the building has been reduced from 153.01m² to 140.07m²;
 - The roof design has altered from hip roof with box dormer and rooflights to a flat roof;
 - Additional details relating to lighting and planting have been submitted.
- 6.9. Proposed Block Plan for Previous Scheme (Ref: 20201258)



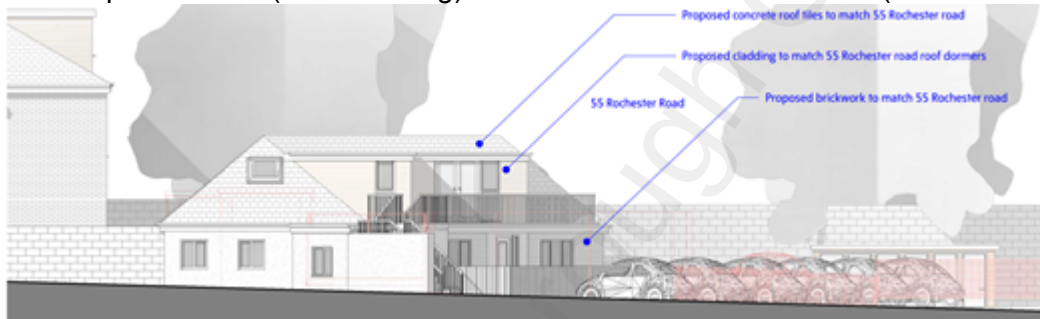
- 6.10. Proposed Block Plan for Previous Scheme (Ref: 20210397)



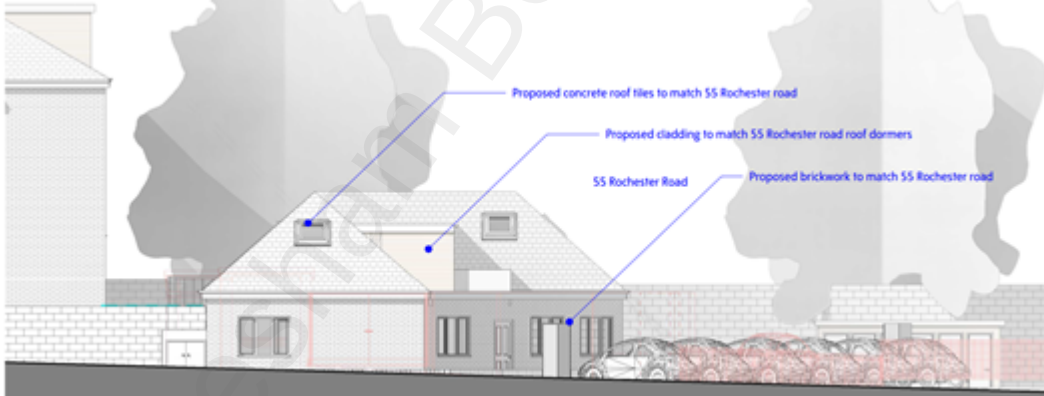
6.11. Proposed Block Plan for Current Scheme



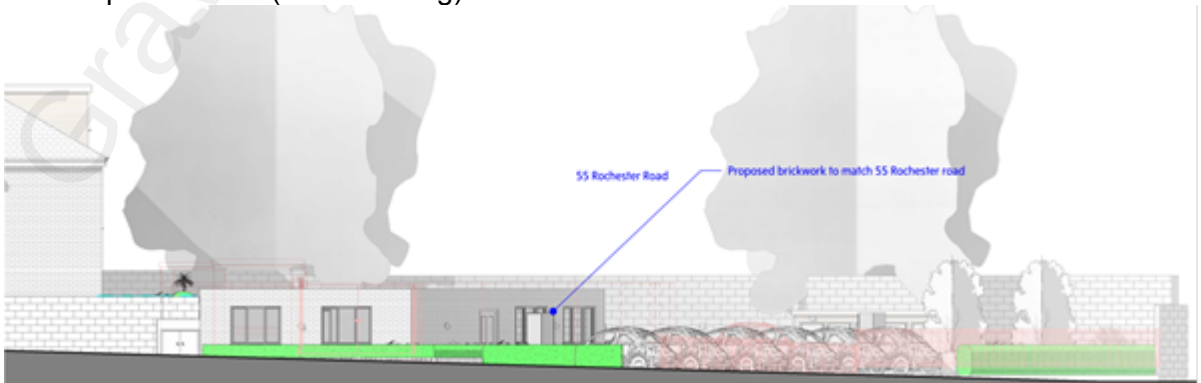
6.12. Proposed Front (South Facing) Elevation for Previous Scheme (Ref: 20201258)



6.13. Proposed Front (South Facing) Elevation for Previous Scheme (Ref: 20210397)



6.14. Proposed Front (South Facing) Elevation for Current Scheme



Housing Need

- 6.15. Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.
- 6.16. This requires that in regard to housing development, planning permission should be granted unless:
*“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
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.”*
- 6.17. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF(2021) at footnote 7 (rather than those in development plans) relating to any of the following:
- Habitats sites (and those sites listed in NPPF paragraph 180)
 - 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 67); and
 - Areas at risk of flooding or coastal change.
- 6.18. 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.
- 6.19. As part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.
- 6.20. Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Principle

- 6.21. The application site is located within the urban area of Gravesend where the character of the street scene is residential in nature. The majority of the surrounding properties are a mixture of detached bungalows on spacious plots and two storey terraced dwellings, with the exception of the flats located to the west of the site. The site is located within an urban area, where the principle of residential development is acceptable providing it accords with the local and national policies.

Character and Appearance

- 6.22. The proposal is for a single storey building with a flat roof comprising of 2no. 2-bed semi-detached dwellings. Whilst the flat green roof design has been proposed to address the visual impact of the development, flat roof properties are not a design feature that is supported within the Borough and is not a design feature that is reflected within the surrounding area. As such the flat roof design of the proposed building is not in keeping with the character of the surrounding area and would be unacceptable and contrary to Policy CS19 (LPCS) and paragraph 130 of the NPPF (2021) which states that developments should add to the overall quality of the area and be visually attractive as a result of good architecture.
- 6.23. The original plot of No. 55 Rochester Road has already been developed extensively with the demolition of the detached bungalow and outbuildings and the erection of a two storey block of flats with dormers and roof lights to incorporate living accommodation within the roofspace, together with parking to the rear and private and shared amenity spaces to the front and rear for the occupants.
- 6.24. This development on its own merit has introduced a different housing tenure in terms of flats in an area that is predominantly single residential properties and is also considerably larger building than the bungalow to which it replaced and the surrounding properties.
- 6.25. The application site forms part of the planning unit for No. 55 Rochester Road, and under the implemented permission is the private amenity space of the residents occupying the flats, as such it cannot be considered to be a brownfield site.
- 6.26. When looking at the original dwelling/site of No. 55 Rochester Road, it is considered that there has already been significantly development and the introduction of a further building with an approx. footprint of 140m² and an addition of 2.no residential units would result in an overdevelopment of the site.
- 6.27. The submitted plans show the proposed building being located only approximately 2.8m away from the rear of No. 55, 1.98m from the common side boundary with No. 53 and would be located up to the corner of the southern boundary adjacent to the alleyway.
- 6.28. Looking at the spatial layout of the surrounding area in terms of the properties and rear gardens, there is a uniformity, with properties benefiting from generous plots, being set back from the road and long rear gardens with ancillary outbuildings and/or garages. The proposed dwellings would be out of character with the surrounding area and would introduce a cramped form of development.
- 6.29. Policy CS14 (LPCS) states that new housing development shall provide a range of dwelling types and sizes taking into account the existing character. In this location the predominant character is single residential dwellings set within spacious plots with private parking and generous private gardens to the rear and not blocks of flats

with limited private amenity space, therefore the proposed dwellings would not accord with this Policy.

- 6.30. Policy CS15 (LPCS) states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The proposed density, which the site as a whole would result in a density of 86.41 per hectare, is higher than the surrounding area and supports the concern that the proposals are out of character with the area and constitute overdevelopment.
- 6.31. Overall, and taking into consideration the above, the proposals are considered to constitute an overdevelopment of rear garden which would result in a comparatively cramped form of backland development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 (LPCS) which ensure new development will integrate well with the surrounding local area.
- 6.32. At a national level the proposed development would also contravene paragraph 71 of the NPPF (2021) which states 'Local planning authorities 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'.

Residential Amenity

- 6.33. The NPPF (2021) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS) states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

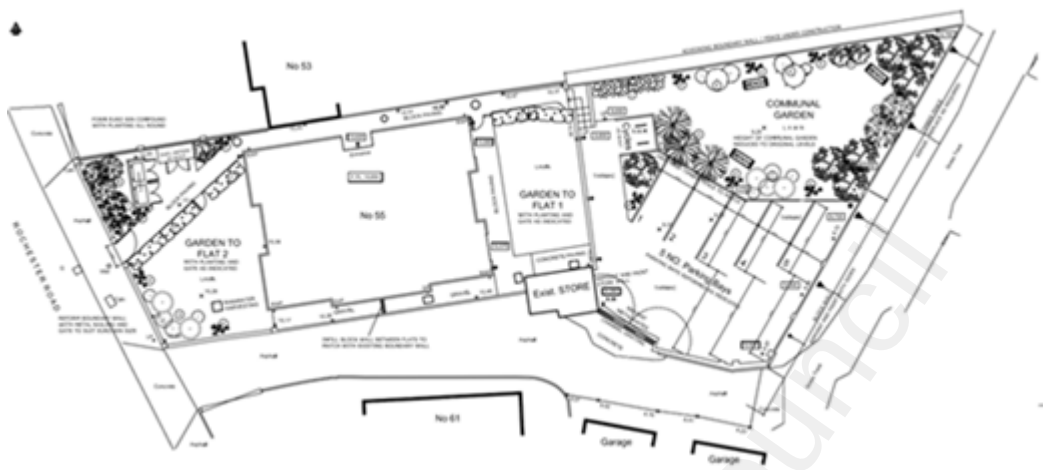
6.34. Amenity of Future Occupiers

The current proposed scheme has altered from the previous and is now for single family housing and not flats. The proposed dwellings have been assessed against the National Housing Standards and the Residential Layout Guidelines (2020) for 2 bedroom single storey dwellings.

	Actual floor area	National Standard	Double Bedrooms 11.5sqm	Single Bedrooms 7.5sqm	Living/kitchen /diner 25.2sqm
House A (2b, 3p)	61.16sqm	61sqm	12.11sqm	7.64sqm	28.38sqm
House B (2b, 3p)	61.54sqm	61sqm	11.58sqm	7.79sqm	26.61sqm

- 6.35. As can be seen from the table above the minimum gross internal floor area and minimum individual room sizes recommended by the National Housing Standards has been met by both proposed dwellings.

- 6.36. In regard to the proposed gardens, House A would have a garden area of 31.91m² and depth from the rear wall of the house of 3.62m. House 2 would have a garden area of 12.36m² and depth from the rear wall of 2.32m.
- 6.37. Supplementary Planning Guidance 2 (SPG2) – Residential Layout Guidelines (2020) states that a 1-2 bedroom dwelling would have a minimum garden area of 37.2m² and minimum depth of 7.6m.
- 6.38. Therefore, in terms of garden size and depth, both dwellings would not meet the minimum standards. Furthermore, there does not appear to be any means to access either garden area and therefore unusable. As such, the lack of garden space would not be adequate, to the detriment of future occupiers' enjoyment of the properties.
- 6.39. Overall, whilst the proposed dwellings would accord with the National Housing Standards for gross internal floor area and individual room sizes, the proposed garden areas would not meet the minimum size or depth as laid out in the adopted Residential Layout Guidelines. Therefore in terms of occupier amenity, the proposal would be contrary to Policy CS19 (LPCS) and para. 130f of the NPPF (2021).
- 6.40. *Neighbouring Amenity*
- 6.41. The proposed building would be located approx. 2.8m from rear elevation of No. 55 and whilst the reduction in height of the building would address some of previous objections relating to the loss of light and outlook from the ground floor rear windows of No. 55, there would still be an 1.17m approximate high boundary / retaining wall set within close proximity (2.8m) to the existing rear windows and as such is still considered to be intrusive on the occupants of those units.
- 6.42. The proposal also removes all private and shared amenity areas to serve all of the residents of the flats at No. 55 that were approved under applications 20150176 and 20190345, together with details of landscaping as shown in the background section above. The proposed new building in being in such close proximity to the existing property, together with the loss of amenity space would have a detrimental impact on the occupiers of the flats of No. 55.
- 6.43. Therefore in terms of neighbour amenity, the proposal conflicts with the objectives of Policy CS19 (LPCS) and para. 130f of the NPPF (2021).
- 6.44. Ecology and Biodiversity
- 6.45. The west of the site to the front of the existing block of flats has been grassed, as has a portion of rear directly behind the block of flats.
- 6.46. The remaining area to the east has currently not been soft landscaped.
- 6.47. The landscaping proposals that were approved under applications 20150176 and 20190345 for the existing block of flats to the front included extensive soft landscaping to both the front and rear of the existing flats.



- 6.48. As a result of the proposed application, the existing lawn areas to the front and rear of the existing flats would be lost and the proposed landscaping for the existing approvals (Refs. 20150176 and 20190345) could not be implemented.
- 6.49. The amenity areas for the proposed development would be significantly less than the existing and what was proposed as part of the previous approvals.
- 6.50. Whilst it is acknowledged that the applicant has attempted to address the loss of amenity areas approved under application references 20150176 and 20190345 by providing a planting scheme and by the use of grasscrete for the parking areas, overall it is considered that the proposed development would still result in a biodiversity net loss to the area and would conflict with Policy CS12 (LPCS) and paragraphs 180 and 181 of the NPPF (2021).
- 6.51. 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 £253.83 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.
- 6.52. Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £253.83 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. In this instance the agent confirmed on 15 October 2021 they wish to enter into a Unilateral Undertaking.

- 6.53. At the time of publishing this report no legal fees or Unilateral Undertaking have been received, therefore the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Parking and Highways

- 6.54. The proposed development would be built on the car parking area for the existing property at 55 Rochester Road and none should be lost as a result of this development. There are currently five parking spaces on the land to be developed and with the three additional ones for the proposed flats it provides a car parking requirement of 8 in total. This would result in one space per unit which would accord with the minimum parking standard and one additional space for potential visitors.
- 6.55. The existing alleyway is currently an unlit access that is used by the existing properties to access the rear parking areas. The proposed lighting scheme submitted with the proposal has included lighting located on the south elevation of House B to provide surveillance lighting to the access road as well as lighting to the rear amenity areas and side access.
- 6.56. Subject to access rights, as the alleyway to the side is outside the applicant's ownership, the proposed parking provision is considered acceptable.
- 6.57. The GBC Highway Development Management Officer has recommended that the car parking at the front of the property be removed due to its proximity to the public highway which could result in a vehicle having to wait on the road whilst another vehicle completes its manoeuvring to the detriment of highway safety and the free flow of traffic.
- 6.58. Overall and taking into consideration the above, in terms of parking provision for the proposed and existing flats, the proposal would accord with Policy CS11 of the Core Strategy 2014.

7. Conclusion

- 7.1. It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.
- 7.2. The proposed development for a net increase of 2no. dwelling units (in this case 2 houses) would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.
- 7.3. However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) and established local policy taken as a whole.

- 7.4. In this case the balance is tilted towards refusal for the following reasons:
- 7.5. The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of backland development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 71 of the National Planning Policy Framework (2021) which states 'Local planning authorities 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'.
- 7.6. The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 in terms of loss of private and shared amenity space, contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
- 7.7. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
- 7.8. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the (NPPF (2021) and Policy CS12 (LPCS).
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Recommendation

The recommendation is for the application to be **REFUSED** Planning Permission, for the following reasons:

1. The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of backland development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 71 of the National Planning Policy Framework (2021) which states 'Local planning authorities 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'.
2. The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 in terms of loss of private and shared amenity space, contrary to

Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

3. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES

1. DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Form;
Design and Access Statement;
Drawing No. 016-P-001 Rev G - Site Location Plan;
Drawing No. 016-P-002 Rev G - Existing Block Plan;
Drawing No. 016-P-010 Rev G - Existing Ground Floor Plan;
Drawing No. 016-P-011 Rev G - Existing First Floor Plan;
Drawing No. 016-P-013 Rev G - Existing Roof Plan;
Drawing No. 016-P-020 Rev G - Existing West Elevation;
Drawing No. 016-P-021 Rev G - Existing North Elevation;
Drawing No. 016-P-022 Rev G - Existing South Elevation;
Drawing No. 016-P-023 Rev G - Existing East Elevation;
Drawing No. 016-P-100 Rev G - Proposed Block Plan;
Drawing No. 016-P-110 Rev G - Proposed Ground Floor Plan;
Drawing No. 016-P-111 Rev G - Proposed First Floor Plan;
Drawing No. 016-P-113 Rev G - Proposed Roof Plan;
Drawing No. 016-P-114 Rev G - Proposed Front Car Parking;
Drawing No. 016-P-115 Rev G - Proposed Front Car Parking Access;
Drawing No. 016-P-120 Rev G - Proposed West Elevation;
Drawing No. 016-P-121 Rev G - Proposed North Elevation;
Drawing No. 016-P-122 Rev G - Proposed South Elevation;
Drawing No. 016-P-123 Rev G - Proposed East Elevation;
Drawing No. 016-P-140 Rev G – Proposed Planting Plan;
Drawing No. 016-P-141 Rev G – Proposed Lighting Plan; and
Grasscrete Brochure.

2. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has

worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application is contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

Gravesham Borough Council