



SUMMARY REPORT

Application Ref:	20220224
Site Address:	Land junction with Davis Avenue and Rosebank Gardens, Northfleet, Gravesend, Kent, DA11 8RZ
Application Description:	The erection of a single storey dwelling with associated works.
Applicant:	Mr C Adams
Agent:	Ms Sue Field, Tetlow King Planning
Ward:	Northfleet South
Parish:	Non-Parish Area
Decision due date:	23 May 2022
Publicity expiry date:	15 April 2022
Decision Level:	Planning Committee – Wednesday 18 May 2022
Reason for referral:	Officer discretion
Recommendation:	Refuse

Summary of Reasons for Recommendations

It is recognised that planning permission was granted on this site 17 years ago for residential development. However, this was never implemented and expired. As such it is not a material planning consideration.

The proposal would provide a minimal contribution towards increasing housing numbers in the area. The adverse effects of granting planning permission in this instance would significantly and demonstrably outweigh this small benefit. On this basis, the application is unacceptable and is not compliant with national and local planning policy.

MAIN REPORT

1. Proposal

- 1.1. This application seeks permission for the erection of a single storey dwelling with associated works.

- 1.2. The proposed single storey house would be positioned on a narrow strip of land adjacent Sherwood Cottage, a bungalow on Davis Avenue, and the entrance to the rear access to the houses between Rosebank Gardens to the south and Davis Avenue to the north.
- 1.3. The proposed dwelling would take up a large proportion of the plot. The rear elevation would also make up the rear boundary of the new dwelling, and would be approximately 2.3m away from Sherwood Cottage at its closest point. The edge of the vehicular access serving Davis Avenue and Rosebank Gardens is immediately to the front of the proposed dwelling, and would make up its front boundary.
- 1.4. The accommodation would comprise a single bedroom, a shower room, a living/kitchen/diner, and an entrance lobby. The internal floor area would be approximately 45m². There would be an amenity area to the side of the dwelling (approximately 41m² and 7m deep).
- 1.5. The submitted Planning Statement states that the proposed house will be a disabled dwelling.
- 1.6. The house will have a mono pitched roof in zinc standing seam or alternatively GRP/single ply. The walls will have a combination of Cedral weatherboarding with both horizontal and vertical wood effect and smooth panels with reconstructed stone features. The boundary treatment will include closeboarded fencing with trellis on top.

2. Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20210058	Erection of a single storey dwelling with associated works.	Refused	08.04.2021
20040711	Erection of a detached two storey two bedroom dwelling	Permitted	22.09.2004
20040307	Outline application for the erection of a detached two storey dwelling	Refused	25.05.2004

3. Planning Policy, Development Plan and other Material Considerations

Development Plan

- 3.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
 Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)

- 3.2. The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy 2014

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport

- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS19 – Design and Development Principles
- CS20 – Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review 1994

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

- 3.3. Paragraph 33 of the NPPF 2021 sets out that those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 3.4. The Council undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted, and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review 1994 generally conform with the NPPF 2021, the Council will also seek to replace these saved policies via the emerging Local Plan.
- 3.5. Given Gravesham's current inability to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF 2021. This requires that in regard to housing development, planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.6. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF 2021 at footnote 7 (rather than those in development plans) relating to any of the following:
- Habitats sites (and those sites listed in NPPF 2021, paragraph 181)
 - Sites of Special Scientific Interest;
 - Green Belt;
 - Local Green Space;
 - Areas of Outstanding Natural Beauty;
 - Irreplaceable habitats;
 - Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2021, footnote 68); and
 - Areas at risk of flooding or coastal change.
- 3.7. In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 121(c)) in context, the relative contribution the

proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Other Material Considerations

National Planning Policy Framework 2021

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- 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 (SPG)

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 – KCC Parking Standards (2006)
- Technical Housing Standards – Nationally Described Space Standards (2015)

4. Consultations, Publicity and Representations

- 4.1. The application has been advertised by individual neighbour letters to 53 properties, and on site. The consultation periods expired on 7 and 15 April 2022 respectively. There have been 15 representations in total, 12 of which objected on the following grounds:
- Wholly inappropriate development.
 - Design and external appearance will be out of keeping with the surrounding properties.
 - Insufficient space on the site to accommodate a dwelling.
 - Loss of privacy from proximity to neighbouring properties.
 - Excess noise from residential use.
 - The front door will open onto a well-established access.
 - The proposal will impede the rear access and result in changes to the way it is used, including availability for parking.
 - Already insufficient parking in area, which will worsen due to the lack of parking provision for the proposed dwelling.
 - Loss of wildlife habitat from the construction of the dwelling.
 - Permission will not be given to link drainage to neighbouring garden.
 - Dust, noise, pollution and disruption from construction, including lack of storage/space for construction vehicles and materials.
 - Property values will be affected.
- 4.2. One representation queried whether the proposed property would have any effect on the access road that allows access to the rear of Davis Avenue.
- 4.3. Two comments of support (from out of the Borough) state that the site is used for fly tipping and a bungalow will be a great improvement and provide a suitable home for a disabled person.
- 4.4. Local Ward Councillors were also consulted and no responses were received.
- 4.5. GBC Environmental Protection, GBC Highways and KCC Highways were also consulted and their comments are below.

GBC Environmental Protection

Conditions are recommended relating to a watching brief and code of practice on construction and demolition, and an informative relating to smoke control.

GBC Highways

The property is being promoted as a new specialised disabled dwelling, but without any off-street parking. Instead, it is intended that the parking should be on-street in a disabled parking bay.

When considering on-street car parking it is necessary to consider the Highway Code, which under rule 243 highlights you should not park within 10 metres of a junction or in front of an entrance. Here a parking space would commence within 10 metres of the junction with Davis Avenue and restrict visibility for drivers exiting the rear access to the properties on Davis Avenue. As such, it is suggested that a disabled parking space in this location would not be acceptable, and its provision elsewhere would be less than ideal for the resident. Also, the space cannot be reserved for the resident. Therefore, ideally on-plot parking is required, but given the limitations of the site this cannot be provided.

Please also refer to comments for application 20210058. This current proposal removes the passing place in the originally approved scheme and restricts access to the parking space for No. 1 Davis Avenue. Also, there is no allowance for pedestrian visibility spays which should be on the corner between the access and Rosebank Gardens.

It is therefore recommended the application should be refused

KCC Highways

This development does not meet the criteria to warrant involvement from the Highway Authority. An informative relating to works to the public highway is recommended.

5. Site Description and Surroundings

- 5.1. The application site is defined on the Gravesham Local Plan Core Strategy Policies Map as lying in the urban area of Gravesend. The site comprises a strip of overgrown amenity land adjacent Sherwood Cottage, which is a detached bungalow to the north.
- 5.2. It is in a residential area that comprises a mix of single and two storey detached, semi-detached and terraced properties. Whilst the house types are varied, the plot sizes of surrounding properties are typically fairly generous.
- 5.3. An outline planning permission (20040711) for the erection of a detached two storey (albeit the indicative drawings did show a full 2 storey building) two bedroom dwelling was permitted for this site on 22 September 2004, following a previous refusal (20040307) on the grounds of its size and close proximity to the adjoining dwelling, resulting in overdevelopment, overshadowing and loss of outlook, detrimental to existing and proposed occupants. It is recognised that whilst there was a precedent for development on this site, this was almost 20 years ago, and as the permission was never implemented it does not form a material consideration in the assessment of this current case. Moreover, planning policy and guidance has changed since 2004, and this application should therefore be assessed on its own merits against the current development plan.

6. Service Manager (Planning) Comments

Background

- 6.1. A previous case (20210058) for single storey dwelling at the site was refused by the Planning Committee in April 2021 (see above planning history). The refusal grounds were as follows:
1. The proposed dwelling will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 117, 122, 124, and 127 of the National Planning Policy Framework 2019.
 2. The proposed dwelling will result in an unacceptable and cramped amenity space for future occupiers, and would also be likely to experience unacceptable and mutual levels of overlooking and loss of privacy from the proposed layout and the close presence of Nos. 44-46 Rosebank Gardens. The proposal would therefore fail to provide a high standard of amenity for future occupiers and existing properties, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 127f of the National Planning Policy Framework 2019.
- 6.2. This current application has essentially removed the car port in the garden that was included within the previous application and has been submitted in an attempt to overcome the previous refusal grounds.
- 6.3. In considering the previous refusal grounds, and on the basis that the principle of residential development in this location was previously considered acceptable, the main issues for consideration in the determination of this application are as follows:
- Design, character and appearance
 - Residential amenity
 - Highways and parking
 - Housing need
 - Ecological impact on the Thames Estuary and Marshes Ramsar/SPA.

Design and Impact on Character and Appearance of Area

- 6.4. Section 12 of the NPPF 2021 relates to achieving well-designed places and sets out the Government's requirements in relation to design issues. Paragraph 126 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.5. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.
- 6.6. Whilst it is recognised that development which makes effective use of land should be supported (paragraph 119), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF. Relevant to

this proposal, paragraph 124 of the NPPF states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

- 6.7. In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. The proposal forms a 1 bedroom detached dwelling, which the submitted Planning Statement asserts would provide single storey wheelchair accessible accommodation, and this would therefore be supported by Policy CS14 of the Core Strategy 2014, providing design and character is also acceptable.
- 6.8. Policy CS15 of the Core Strategy 2014 seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare (dph), subject to the overriding consideration that it achieves good design and does not compromise the distinctive character of the area. The application site measures 0.0174 hectares; 1 dwelling on this site would exceed the density target of 40 dph at 57 dph (which is the same as the previous 20210058 scheme), and this would therefore indicate that it would be an overdevelopment of the site. This situation has not altered from the previously refused 20210058 application. The site is not in a location considered to be close to the transport hub of Gravesend Town Centre (for example, Gravesend station is over 1.5km away), and therefore a higher density would not be sought here.
- 6.9. However, the application site is located within the wider urban boundary of Gravesend, in a residential area that comprises a mix of single and two storey detached, semi-detached and terraced properties. Whilst the house types are varied, the plot sizes of surrounding properties are typically fairly generous.
- 6.10. It is appreciated that a detached property on this small plot was granted permission in 2004, the best part of 20 years ago (see Planning History above). There have been local and national planning policy and SPG changes since that time that such a development would be likely to be considered differently were it to be determined now. Furthermore, the 2004 permission expired and is not a material planning consideration. This application should therefore be assessed on its own merits against the current development plan.
- 6.11. The only change to the current proposal when compared to the refused 20210058 application is the removal of the detached car port in the garden. Whilst there would be a little less built development on the site overall, the main character concern previously raised related to the proposed dwelling itself, and this has not changed. Due to the prominent and open position of the application site, which is essentially just a small amenity strip to the side of an access road, the proposed development would be completely and obviously at odds with the size of surrounding plots and would result in a cramped and incongruous layout in the context of surrounding properties. There is a lack of space around the dwelling or set back of the property from the site boundaries. The single storey nature of the proposed dwelling will not make a development here any less out of place, and would in fact add to the unmistakably cramped nature of the site, as a bungalow generally requires a larger floor area and therefore would take up more of the site.
- 6.12. Therefore, as previously considered, whilst the proposal may seek to make a more efficient use of the site, and would provide a 1 bed wheelchair accessible dwelling, this should not be outweighed by the clear development plan objectives that include maintaining and improving the character of the area. The proposed dwelling will sit on a

prominent and obviously smaller plot than its surrounding counterparts, and will result in a clearly cramped over-development of the site that would be out of keeping with the character and appearance of the layout of the properties in the immediate area. On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 of the Core Strategy 2014, and paragraphs 119, 124, 126 and 130 of the NPPF 2021.

Residential Amenity

- 6.13. There have been planning policy changes since the previous 2004 application for a dwelling was granted on this site that impact on the acceptability of the current proposal in terms of the impact on amenities. The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The Council also has its own adopted Residential Layout Guidelines (SPG2 2020).

Future Occupiers

- 6.14. It is considered that the proposal complies with the Technical Housing Standards - Nationally Described Space Standards 2015 in terms of the size of the proposed accommodation, which with a gross internal floor area (GIFA) of approximately 44m², exceeds the minimum standard of 37m² for a 1 storey, 1 bedroom, 1 person dwelling with a shower room.
- 6.15. The removal of the car port from the scheme under the current proposal has resulted in an increased garden area for the proposed dwelling. The Council's residential layout guidelines require a minimum garden area of 37.2m² for a 1-2 bedroom house, with a minimum depth of 7.6m. The proposed garden area for the new dwelling now measures 44m², and will have a depth of 6.7m. This is an improvement on the previously refused proposal, though the garden depth does remain out of character with the typically generous gardens of surrounding properties.
- 6.16. However, in terms of overall space, whilst the proposed garden depth is slightly below the recommended standard the above standard size of the whole garden area does go some way to negate the lack of depth. The removal of the car port as previously proposed would give an acceptably sized garden for the size of property proposed, and this element of the previous refusal ground under application 20210058 is considered to have been addressed.
- 6.17. Under the previous proposal, there was also a concern with the lack of space around the dwelling or set back of the property from the site boundaries, which was considered to make the front windows of the house likely to feel overlooked. The submitted Planning Statement has attempted to address this matter by suggesting the secondary bedroom window directly facing Nos. 44-46 Rosebank Gardens opposite the site could be obscure glazed and that the ground floor windows of the properties opposite do not serve habitable rooms.
- 6.18. It is recognised that the proposed bedroom window directly facing the front of Nos. 44-46 Rosebank Gardens only approximately 13m away could be conditioned to be obscure glazed as it is a secondary window, and though this would not be ideal for a bedroom, it would help prevent any direct overlooking into this space. In addition, from

looking at plans relating to a conservatory at No. 45 (permitted under application 20010220) it would also seem that the ground floor windows of Nos. 44-46 are kitchens (and therefore non-habitable spaces). The Council's adopted residential guidance states that where windows of habitable rooms face each other there should be a window-to-window distance of 21m. As the existing and proposed windows involved are not mutually habitable spaces, direct overlooking would not appear to be such a significant concern as thought previously. The matters addressed in the submitted Planning Statement demonstrate that the previous privacy concerns are not considered significant enough to warrant a refusal under the current scheme.

- 6.19. The previous conflicts with the requirements of the current SPG2 Residential Layout Guidelines 2020, Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021 in respect of the failure to provide a high standard of amenity and living conditions for future occupants of the existing and proposed dwellings on the site, are therefore considered to have been addressed. The proposal is therefore acceptable in amenity terms.

Neighbouring Properties

- 6.20. Apart from the loss of privacy discussed above, as before, whilst the current scheme would introduce built development into a currently open space close in particular to the bungalow Sherwood Cottage, due to the single storey nature of the proposed dwelling the proposal is unlikely to have a significant impact on neighbouring properties in terms of overshadowing, or loss of outlook or light. As such, the proposal would comply with the requirements of the SPG2 Residential Layout Guidelines 2020, Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021 in respect of neighbouring properties.

Highway Impacts and Vehicle Parking

- 6.21. The property is being promoted as a new specialised disabled dwelling, but without any off-street parking. Instead, it is intended that the parking should be on-street in a disabled parking bay.
- 6.22. When considering on-street car parking it is necessary to consider the Highway Code, which under rule 243 highlights there should be no parking within 10 metres of a junction or in front of an entrance. Here, a parking space would commence within 10 metres of the junction with Davis Avenue and restrict visibility for drivers exiting the rear access to the properties on Davis Avenue. As such, it is suggested that a disabled parking space in this location would not be acceptable, and its provision elsewhere would be less than ideal for the resident. Also, the space cannot be reserved for the resident. Representations have also raised the issue of on-street parking problems in the area. Therefore, ideally on-plot parking is required, but given the limitations of the site this cannot be provided.
- 6.23. Under the previous 20210058 application, there were concerns raised about the lack of a passing place, and the restriction on pedestrian visibility for vehicles emerging from the alley and the parking at the rear of No. 1 Davis Avenue, so that this was not necessarily considered viable. This current proposal also lacks a passing place and continues to restrict access to the parking space for No. 1 Davis Avenue. Also, there is no allowance for pedestrian visibility splays, which should be on the corner between the access and Rosebank Gardens.
- 6.24. On the basis of the lack of off-street parking space for this proposed disabled dwelling, and the lack of a passing place and pedestrian visibility splays for the existing access,

the proposal would fail to comply with Saved Policies T1, T5 and P3 of the Local Plan (1994) and Policies CS11 and CS19 of the Core Strategy 2014. It is therefore recommended the application should be refused on parking and pedestrian and highway safety grounds.

Other Material Planning Considerations

Housing Need

- 6.25. The proposed development would provide a net increase of 1 dwelling on the site, and would offer a small contribution towards meeting local housing need. Accordingly, this weighs in support of the application, particularly where evidence has shown that the Council cannot currently demonstrate a five year housing supply.
- 6.26. However, this has to be balanced against safeguarding and improving the environment and ensuring safe and healthy living conditions, matters which are sought throughout the NPPF 2021, including in particular in paragraphs 119, 124 and 130.

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

- 6.27. As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £253.83 is required (given there is one dwelling proposed on the site).
- 6.28. The applicant has signed a SAMMS Contribution Agreement and has paid the appropriate top up tariff for the development further to the tariff paid under application 20210058, which would help put in place adequate measures to mitigate against potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, and would meet the requirements of paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

Environmental Protection

- 6.29. The application has a low environmental risk. There is no objection to the proposal providing conditions/informatives be imposed relating to a watching brief and code of practice on construction and demolition, and an informative relating to smoke control.

7. Conclusion and Overall Balancing Exercise

- 7.1. It is recognised that whilst amenity space and privacy concerns have been addressed under the current proposal, and whilst it would provide a very minimal contribution towards increasing housing numbers in the area, the adverse effects of granting planning permission in relation to the unchanged overdeveloped nature of the plot being out of character with the area and the additional impact on parking and pedestrian and highway safety would significantly and demonstrably outweigh this small benefit. On this basis, the application is unacceptable and is not compliant with national and local planning policy.

Recommendation

Refuse.

The recommendation is for the application to be REFUSED Planning Permission on the following grounds:

1. The proposed dwelling will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 119, 124, 126, and 130 of the National Planning Policy Framework 2021.
2. The proposed dwelling will result in a lack of off-street parking space suitable for a disabled user, and no passing place or pedestrian visibility splays for the users of the existing rear access and No. 1 Davis Avenue in particular. The proposal would therefore conflict with pedestrian and highway users, and the requirements of saved Policies T1, T5 and P3 of the Gravesham Local Plan First Review 1994, Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.

INFORMATIVES:-

- 1 **SUBMITTED DRAWINGS AND DOCUMENTS**
- 2 **STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING**