
SUMMARY REPORT

Application Ref:	20220246
Site Address:	28 Park Road Gravesend Kent DA11 7PR
Application Description:	Application for outline planning permission with all matters reserved for the demolition of existing building and erection of 1no. one storey dwelling and, 4.no. three bedroom dwellings.
Applicant:	Mr K Avery
Agent:	Mr Mark Strawbridge, Studio Charrette
Ward:	Woodlands
Parish:	Non-Parish Area
Decision due date:	12 May 2022 (EoT 25 May 2022)
Publicity expiry date:	15 April 2022
Decision Level:	Planning Committee – Wednesday 18 May 2022
Reason for referral:	Officer discretion
Recommendation:	Refusal

Summary of Reasons for Recommendations

The proposal is an application for outline planning permission with all matters reserved for the demolition of existing building and erection of 1no. one storey dwelling and, 4.no. three bedroom dwellings.

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

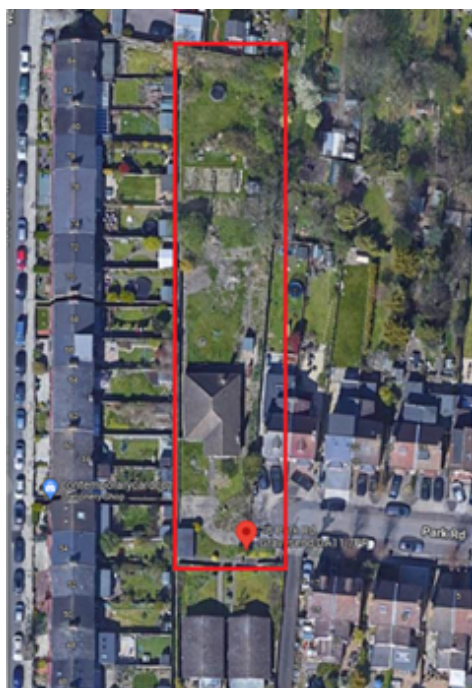
1. The outline proposals are considered to constitute an overdevelopment of the garden which would result in a comparatively cramped form of development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is 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 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.
2. Due to the proximity and relationship of the proposed properties and access road to the rear elevations and rear gardens of Nos, 54 to 84 Woodfield Avenue located to the west, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of loss of privacy, overlooking and the increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 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 Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
 4. The proposal fails to secure adequate access for residents and refuse vehicles, as well as inadequate cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
 5. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) 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 September 2014.
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MAIN REPORT

1. Site Description and Surroundings

- 1.1. 28 Park Road is a residential plot consisting of a single detached bungalow, detached garage and various modest garden outbuildings with single driveway and access located at the end of Park Road which is a cul-de-sac and sits at a lower level than Park Road.
- 1.2. The site runs parallel to the rear gardens of the properties on Woodfield Avenue and is located within the urban residential area of Gravesend as defined on the adopted Gravesham Local Plan Core Strategy policies map.
- 1.3. The immediate area is characterised predominantly two storey semi-detached dwellings with bay fronted windows with some front facing dormers. To the south of the site are a pair of bungalows and to the west are two storey terraced properties set at a similar height to the application property.
- 1.4. The properties to the west back onto the site with the majority of the properties having gates going directly onto the site or the alleyway that runs behind.
- 1.5. It would appear from the site plan that the alleyway should run the full length of the site, however it would appear that over time this has not been maintained and there is little definition between the rear garden of No. 28 and the alleyway to the rear of Nos. 76 to 82 Woodfield Avenue.
- 1.6. The following photographs show the site, its access and in its context:



Site Access



Park Road



Procedural Issues

- 1.7. The application has been determined in accordance with the 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 a previous submission for *outline planning permission with all matters reserved and being for demolition of existing building and erection of 6 no. semi-detached, 3 bedroom dwellings* (Ref. 20211019) was refused in November 2021. Prior to the first submission pre-application advice was sought for the *Demolition of existing dwelling and its replacement with 6no. semi-detached properties*. However, the site layout from the pre-application and the submitted scheme differed in terms of road layout and orientation of the proposed dwellings, but the outline and principle of the proposal overall remained the same.
- 1.8. In terms of the pre-application submission, the Officer concluded that *"In its current form the application would not be supported. Concerns are raised with regards to overlooking within the development, the private outside space provision and the parking. All of these issues point to the proposal being cramped and an*

overdevelopment of the site and would therefore fail to comply with the abovementioned Policies.”

- 1.9. Pre-application was not sought prior to the submission of the current scheme that is before us following refusal of the previous application.

1.10. A comparison between the refused scheme (Ref. 20211019) and the current proposal has been highlighted below within the Background section (paragraph 6.1).

- 1.11. 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.

- 1.12. Therefore a decision issued within a timely fashion would give the applicant a formal stance from the Local Planning Authority on its position with this site. In this instance a further 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.

- 1.13. 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.

- 1.14. Whilst there have been previous comments received relating to the part of the site being used as allotments for approximately 38 years, this is not a recognised Council owned or maintained / managed allotment site and therefore it would appear that the use of part of the garden as allotments was an unofficial arrangement with the property owner. Therefore in terms of the site, this is wholly classed as residential and will be assessed as such.

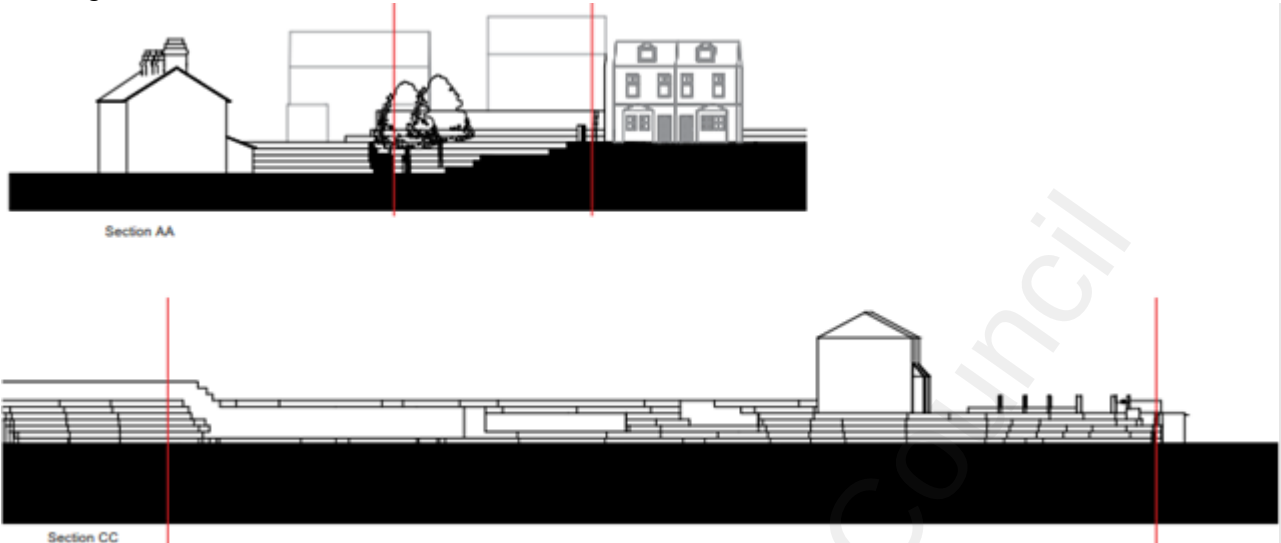
2. Relevant Planning History

Reference	Description	Decision	Decision Date
20211019	Application for outline planning permission with all matters reserved and being for demolition of existing building and erection of 6 no. semi-detached, 3 bedroom dwellings.	Refused	15.11.2021
TH2/59/251A	Detailed plans of detached bungalow and garage to accommodate one private car.	Permitted	31.12.1959
TH2/59/251	Outline application for the erection of a bungalow and garage.	Permission	n/a

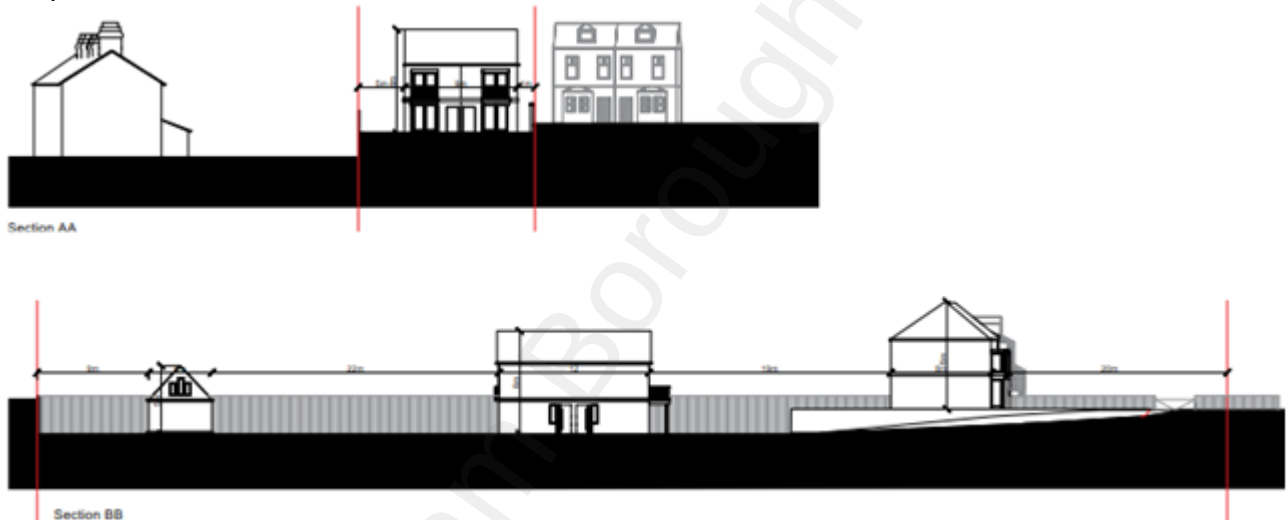
3. Proposal

- 3.1. The proposal seeks outline planning permission with all matters reserved and being for demolition of existing building and erection of 1no. one storey dwelling and, 4.no. three bedroom dwellings.

Existing Sections



Proposed Sections



3.2. Access to the site would be from the existing driveway and the road would run directly parallel to the rear of the properties on Woodfield Avenue, separated only by the narrow alleyway that runs behind the rear gardens.

3.3. Park Road itself is a quiet residential cul-de-sac consisting of two storey semi-detached properties, some benefiting from off road parking for one vehicle with the remainder of the parking being on-street only.

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
 - Section 15 – Conserving and enhancing the natural environment
- 4.6. Supplementary Planning Guidance
- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
 - SPG 4 - KCC Parking Standards (2006)
 - Technical Housing Standards - Nationally Described Space Standards (2015) (NDSS)

5. Consultations and Publicity Responses

Consultations

KCC – Heritage Conservation (E & W)

- 5.1. The application site is within an area of multi-period archaeological potential with prehistoric worked flint and Romano-British material recorded c.150m to the east. The site was developed sporadically and in a relatively limited way from the late 19th century with a brick works to the west and there is the potential for any archaeological remains present at the site to be relatively undisturbed. The proposed development may impact on any such remains and therefore I recommend that the following condition is applied to 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.

KCC – Biodiversity Officer

- 5.2. No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features, including buildings and vegetation, are present on and around the site, suggesting that there may be potential for protected species to be present within the site. Therefore we advise that current photos of the dwelling and garden are submitted as part of this application to enable us to consider if there is potential for protected/notable species to be present and a requirement for a preliminary ecological appraisal (PEA) to be carried out.

If required a PEA must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines. The PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence in the context of the potential ecological impacts of the proposed development.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that, if required, the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought prior to determination of the planning application. The submission must provide appropriate and achievable mitigation measures for any identified ecological impacts.

This is in accordance with paragraph 99 of ODPM 06/2005 which states: *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

Natural England

- 5.3. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Kent Fire & Rescue Service

5.4. Following my assessment of Fire and Rescue Service emergency access provisions for application number 20220246 I would like to make the following observation.

- Please confirm that due to the estimated length of travel distance on the access road and the dead-end conditions, there are turning facilities available for the appliance with a minimum radius of 16.8m.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

GBC - Environmental Protection Team (Regulatory Services)

5.5. Please add;

Conditions

- Watching Brief; and
- Electric Vehicle Charing Point(s).

Informatives

- Drainage/sewerage informative;
- Smoke Control informative;
- Lighting informative; and
- Code of Practice on Construction and Demolition.

GBC - Highways Officer

5.6. This proposal raises some questions.

- Turning/Manoeuvring drawing, number 0744.T.0901 appears to have inconsistent measurements.
- The refuse vehicle shown on the above drawing appears to be 7.39 metres long which is considerably shorter than the standard vehicle used by Gravesham.
- The application is for 4 three bedroom dwellings and 1 two bedroom property resulting in 14 bedrooms and a cycle parking requirement of 14 cycles, provision for 5 is shown which is insufficient to comply with SPG4 requirement of one cycle space per bedroom.
- The applicant states that the development will have a SUD's system to dispose of surface water, but gives no details on how this will be provided
- No details appear to have been given on foul water disposal, whilst main sewers will be in the area, their level and capacity may not be suitable to accommodate drainage from this property. If a pumping station is required this will need to be positioned at the low point on the sites drainage system and then have a rising main to a suitable discharge point to Southern Waters Sewer. The location of any pumping station (if required) may conflict with the surface water SUD's system and as such the issue of drainage should be resolved now.

Car parking provision is acceptable, Kent County Guidance suggests that there should be 1.5 space per 3 bedroom dwelling giving 6 spaces plus 1 space for a two bedroom property and one visitor space, giving 8 spaces in total, which are provided.

Given what appears to be a poorly dimensioned drawing and the lack of a drainage solution with approximate calculations regarding no details for foul sewerage nor land take and soakage/storage for surface water I would suggest refusal.

5.7. The application has been advertised by a site notice and individual letters to 70 neighbouring properties, with an overall consultation expiry date of 15th April 2022.

5.8. Neighbouring Properties

32 letters of objection have been received making the following summarised comments:

- Overdevelopment
- Plans unclear and don't show context
- Cramped form of development
- Out of character

- Impact on infrastructure
- No provision for affordable housing
- Noise and disruption
- Security
- Overlooking
- Loss of privacy
- Loss of light
- Loss of outlook
- Overshadowing
- Overbearing
- Intrusive
- Light pollution from headlights
- Risk of flooding
- Possible subsidence
- Loss of natural drainage
- Inadequate Parking
- Obstruct existing access
- Gardens too small
- Additional traffic and vehicular movements
- Highway Safety
- Emergency vehicles can't access
- Refuse vehicles can't access
- Impact on road surfaces and services
- Biodiversity net loss
- Loss of greenspace
- Loss of trees and landscaping
- Ecology – protected species present – loss of natural habitats
- Impact on environment
- Increase flooding
- Pollution
- Impact on alleyway
- Additional waste

Additional comments were also made that are non-material planning consideration.

6. Service Manager (Planning) Comments

6.1. Background

6.2. As the planning history shows, a similar outline application was submitted and refused in November 2021 with following refusal reasons;

1. *The outline proposals are considered to constitute an overdevelopment of the garden which would result in a comparatively cramped form of 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 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding*

built environment.

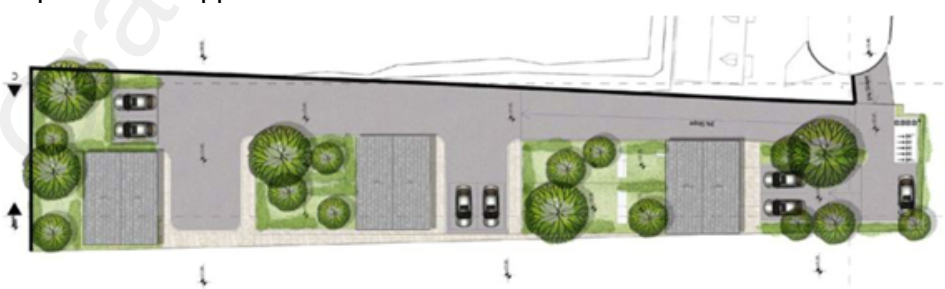
2. *Due to the proximity and relationship of the proposed properties and access road to the rear elevations and rear gardens of Nos. 54 to 84 Woodfield Avenue located to the west, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of loss of privacy, overlooking and the increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 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 Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.*
4. *The proposal fails to secure adequate access for residents and refuse vehicles, as well as inadequate parking and cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.*
5. *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 September 2014.*

6.3. Comparison of Current Proposal to Previous Refused Application (Ref: 20211019)

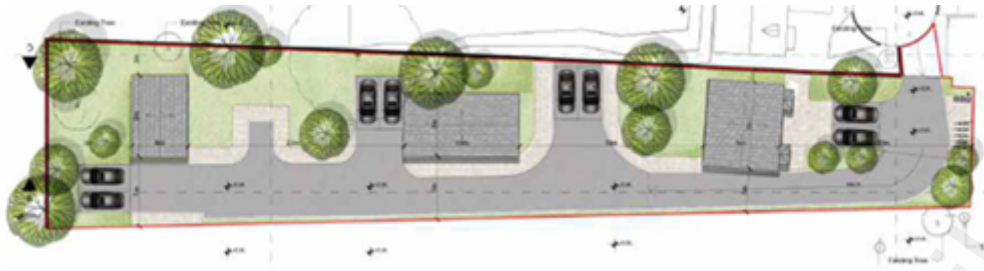
- 6.4. The current application is similar to both the pre-application submission and the previously refused scheme that was submitted in 2021. It should be noted that 20211019 has an appeal lodged against the refusal but a start date is awaited from the Planning Inspectorate.
- 6.5. The main differences between the current scheme and the previous are;
 - A reduction in the quantity of units from 6 to 5; and
 - The building at the far north of the site, which was originally 2no. semi-detached dwellings, is now a detached chalet style bungalow.

The following plans show the proposed block plans for the pre-application, previously refused scheme and the current scheme which show the site layout, including the access, building location/orientation and parking provision.

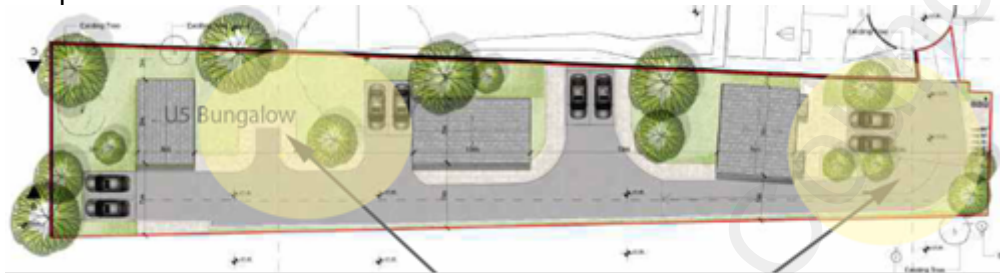
Proposed Pre-App Block Plan



Proposed Block Plan (Refused application 20211019)



Proposed Block Plan for Current Scheme



- 6.6. As can be seen from the drawings above, there is no fundamental change between the proposed block plans and the principle of the proposal remains the same and there still remains an overall objection to the principle of the development.
- 6.7. Housing Need
- 6.8. 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.
- 6.9. 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."*
- 6.10. 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.

- 6.11. 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.
- 6.12. 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.
- 6.13. 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.
- 6.14. Principle
- 6.15. 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 two storey semi-detached bay window properties or detached bungalows, the majority of which are within long narrow plots. 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. This will be explored in the following sections of the report.
- 6.16. Character and Appearance
- 6.17. The proposal is for 1no. single storey detached dwelling and 4no. semi-detached dwellings. The application is for outline only with all matters reserved and as such detailed elevations have not been provided.
- 6.18. The density of dwellings from no. 2 Park Road to no. 28 is approx. 31 dwellings per hectare (dph). The density of the dwellings facing Woodfield Avenue is approx. 63dph. The density of the bungalows to the south is approx. 22.5dph and the current site density is 6dph. The proposed density would be approx. 31.25dph. Policy CS15 (LPCS) states that, within the urban area, new residential development will be expected to achieve a minimum density of 40dph. Therefore the proposal falls below the minimum density laid out within this Policy.
- 6.19. In addition, the existing plot of No. 28 Park Road only has one single storey residential dwelling with detached garage to the front and a number of small outbuildings within the rear garden. The addition of 4no. dwellings on this site is a substantial increase over the existing.
- 6.20. In terms of spatial layout of the surrounding area in terms of the properties and rear gardens, there is a uniformity, with properties benefiting from generous long narrow plots, being set back from the road by more than 4m.

- 6.21. Therefore, the existing pattern of development must be taken into consideration when assessing the application. The proposed consist of two sets of 2no. semi-detached properties and 1no. detached single storey dwelling, that would all be set in different positions to both the proposed access road and to the surrounding properties. They would also have much smaller gardens than the surrounding properties. As such, it is considered that the proposed dwellings would be out of character with the surrounding area in terms of spatial layout and would introduce a cramped form of development.
- 6.22. Overall, and taking into consideration the above, the proposed development would be visually disruptive to the established and recognisable pattern of the surrounding built environment. It would be of an awkward layout attempting to fit five dwellings into a tight and constrained plot with only a narrow access point from Park Road. The form of the proposal would starkly contrast with the established pattern of the built environment and, together with the lack of suitably sized usable garden space, would appear cramped, contrived and visually discordant.
- 6.23. Whilst the plans are indicative only, they fail to convince the Local Authority that five dwellings could be satisfactorily developed on the plot that would be in keeping with the character or pattern of the local built environment.
- 6.24. This stance is shared by the planning inspectorate who dismissed an appeal (APP/K2230/W/21/3272575 attached as appendix 1) for the erection of a pair of semi-detached dwellings with associated parking, landscaping and access, at Land east of 58 Dover Road, Five Ash Road, Gravesend. The Inspector stated in paragraph 7 that;

The proposed development would be visually disruptive to the established and recognisable pattern of the surrounding built environment. It would fail to address the public highway and would be of an awkward design attempting to fit two dwellings into a tight and constrained plot. The form of the proposals would starkly contrast with the established pattern of the built environment and, together with the lack of suitably sized useable garden space, would appear cramped, contrived and visually discordant.

- 6.25. Taking in consideration all the above, the proposal, in appearing cramped and overdeveloped, would adversely affect the character and appearance of the locality and would contravene Policies CS14 and CS19 (LPCS) which ensure new development will integrate well with the surrounding local area.
- 6.26. At a national level the proposed development would also contravene paragraph 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.
- 6.27. Residential Amenity
- 6.28. 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.
- 6.29. *Amenity of Future Occupiers*

- 6.30. The application is an outline proposal and as such details relating to floor layouts have not been submitted and the proposal cannot be assessed against the National Housing Standards and the Residential Layout Guidelines (2020) for 3 bedroom dwellings in terms of gross internal floor area, individual room sizes and whether the habitable rooms have sufficient outlook and daylight.
- 6.31. In terms of garden size, Supplementary Planning Guidance 2 (SPG2) – Residential Layout Guidelines (2020) states that a 3 bedroom dwelling would have a minimum garden area of 60m² and minimum depth of 10m. Details relating to individual garden size, landscaping and means of enclosure have not been provided, however looking at the submitted proposed block plan and the garden areas directly to the rear of each dwelling, only one of the properties would accord with the minimum garden area, with the remainder falling substantially below the minimum area and none of the gardens meeting the 10m depth standard.
- 6.32. Therefore, in terms of garden size and depth, all the proposed dwellings would not meet the minimum standards and as such, the lack of garden space would not be adequate, to the detriment of future occupiers' enjoyment of the properties and further confirms that five dwellings cannot be satisfactorily developed on the plot. Therefore in terms of occupier amenity, the proposal would be contrary to Policy CS19 (LPCS) and para. 130f of the NPPF (2021).
- 6.33. *Neighbouring Amenity*
- 6.34. Taking into consideration the change in land levels and the application site being level with the properties on Woodfield Avenue, it is considered that the main impact of the proposal would be on the occupants of the properties on Woodfield Avenue located to the west.
- 6.35. It would appear from the proposed plans that there would be approx. 20.75m between the flank wall of the southernmost dwellings to the rear elevations of the properties on Woodfield Avenue and approx. 30m from the front elevations to the bungalows to the south and as such there would be no significant loss of light, daylight overshadowing or overlooking to these properties.
- 6.36. In terms of the middle pair of semis, the orientation is such that the front elevations would face directly on to the rear gardens and elevations of the properties in Woodfield Avenue. With a distance of 7.7m approx. from the front elevation to the rear boundaries, it is considered that the two middle properties would afford direct views over some of the rear gardens of Woodfield Avenue, resulting in an unacceptable level of overlooking and a loss of privacy to the occupants of those properties.
- 6.37. Whilst the orientation of the proposed property to the north would have the flank elevation facing the rear of the properties on Woodfield Avenue, the proposed sections show first floor window and possible Juliet balcony that would face directly over the rear gardens and elevations. With a distance of 8.4m approx. from this flank elevation to the rear boundary, it is considered to be an unacceptable level of overlooking resulting in a loss of privacy to the occupants of those dwellings.
- 6.38. In terms of the proposed access road, this would run parallel and directly to the rear of the properties along Woodfield Avenue. Taking into consideration the increase in vehicular movements that would arise from the development, it is considered that

the noise and disturbance would have a detrimental impact on the occupiers of the properties to the west which would be unacceptable.

- 6.39. Whilst alterations to the layout and window positions could be pursued in any reserved matters application, the Local Authority is unable to see how such could be designed so as not to cause a loss of privacy to either existing or prospective occupiers. On this basis the proposal would harmfully affect the living conditions of neighbours and future residents, contrary to Policy CS19 (LPCS), which seeks to safeguard the amenity of properties and land. Again, this stance was shared by the planning inspectorate who dismissed appeal (APP/K2230/W/21/3272575 attached as appendix 1) stating in paragraph 11;

The proposed gardens, particularly for the plot immediately adjacent to the boundary with the terrace, would provide no private areas for prospective occupiers. This would be harmful to those occupiers' enjoyment and would result in a less than quality environment in which to live.

The Inspector also went on to state in paragraph 14 that;

Whilst alterations to the layout and window positions could be pursued in any reserved matters application, I am unable to see how such could be designed so as not to cause a loss of privacy to either existing or prospective occupiers. On this basis the proposal would harmfully affect the living conditions of neighbours and future residents, contrary to policy CS19 of the CS, which seeks to safeguard the amenity of properties and land.

- 6.40. In terms of overlooking and loss of privacy, together with the noise and disturbance resulting from the new access, it is considered in terms of neighbour amenity, the proposal conflicts with the objectives of Policy CS19 (LPCS) and para. 130f of the NPPF (2021).

6.41. Ecology and Biodiversity

- 6.42. 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 £275.88 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.

- 6.43. In this instance, the proposed development would result in the creation of four additional residential properties and as such, additional recreational activity would

result. Therefore it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS).

The applicant has not completed the SAMMS Mitigation Contribution Agreement and therefore 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) (2014).

- 6.44. No ecological information has been submitted with this application and it is considered that due to habitats and features, including buildings and vegetation, being present on and around the site, it suggests that there may be potential for protected species to be present within the site. It would therefore be necessary for further information in the form of a preliminary ecological appraisal (PEA) to be provided to enable consideration of the potential for protected/notable species to be present. However, as it has been established above that this outline scheme would be an unacceptable development, it was not considered necessary to request this additional information.
- 6.45. Parking and Highways
- 6.46. The proposed access is restricted to one point from Park Road which is a single track access that slopes steeply down to the west. The proposal also incorporates a new access road that runs parallel to the rear gardens of the properties on Woodfield Avenue.
- 6.47. Whilst the proposed Turning/Manoeuvring Plan (Drawing No. 0744.T.0901) shows the turning movements of a refuse vehicle, the vehicle shown on the drawing measures 8.12m in length by 2.51m wide. The standard GBC refuse vehicle measures 12m in length by 2.55m in width (without mirrors extended), therefore there is insufficient space to ensure a GBC refuse vehicle can turn within the site and would also not be able to negotiate the 90° bend at the site entrance.
- 6.48. This would also be the case for emergency vehicles, with a standard UK fire engine measuring 10.5m in length by 2.3m wide.
- 6.49. In terms of parking provision, the application is for 4 three bedroom dwellings and 1 two bedroom property resulting in 14 bedrooms. Kent County Guidance suggests that there should be 1.5 space per 3 bedroom dwelling giving 6 spaces plus 1 space for a two bedroom property and one visitor space, giving 8 spaces in total, which are provided. As such there are no objections to the proposed car parking provision.
- 6.50. In terms of cycle parking standards, SPG 4 requires 1 space per bedroom, therefore requiring 14 spaces in total. The proposal has shown provision for 5 spaces on the proposed block plan, which is insufficient to comply with SPG4 requirement of one cycle space per bedroom. As such, the proposal would provide inadequate cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.

Proposed Cycle Parking



6.51. Overall it is considered that whilst the proposal would provide adequate car parking for 5 dwellings in the layout shown, it fails to secure adequate access for residents and refuse vehicles, as well inadequate cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.

6.52. Flood Risk and Surface Water Drainage

6.53. The application site lies within flood zone 1.

6.54. The applicant states that the development will have a SUD's system to dispose of surface water, but no details were submitted with the application.

6.55. In addition, no details appear to have been given on foul water disposal. Whilst main sewers would already be in the area, their level and capacity may not be suitable to accommodate drainage from this property.

6.56. Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. Kent County Council (KCC) is the Lead Local Flood Authority and would need to review any details relating to flooding and surface water drainage.

6.57. Without the presence of a sustainable drainage strategy, the proposal would fail to accord with Policy CS18 (LPCS) in regard to drainage matters.

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 (2021).

7.2. The proposed development for a net increase of 4no. dwelling units (in this case 4 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, it is considered that the previous reasons for refusal have not been addressed and the balance is tilted towards refusal for the following reasons:

- 7.5. The outline proposals are considered to constitute an overdevelopment of the garden which would result in a comparatively cramped form of 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 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.
- 7.6. Due to the proximity and relationship of the proposed properties and access road to the rear elevations and rear gardens of Nos, 54 to 84 Woodfield Avenue located to the west, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of loss of privacy, overlooking and the increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 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 Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
- 7.8. The proposal fails to secure adequate access for residents and refuse vehicles, as well as inadequate cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
- 7.9. 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 September 2014.
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Recommendation

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

1. The outline proposals are considered to constitute an overdevelopment of the garden which would result in a comparatively cramped form of 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 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.

2. Due to the proximity and relationship of the proposed properties and access road to the rear elevations and rear gardens of Nos, 54 to 84 Woodfield Avenue located to the west, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of loss of privacy, overlooking and the increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 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 Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
4. The proposal fails to secure adequate access for residents and refuse vehicles, as well as inadequate cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
5. 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 September 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;
OS Plan;
Drawing No. SC_28ParkRd_SiteLocationPlan_V1 – Site Location Plan;
Drawing No. SC_28ParkRd_ExistingBlockPlan_V1 – Existing Block Plan;
Drawing No. SC_28ParkRd_ExistingMasterPlan_V1 – Existing Master Plan;
Drawing No. SC_28ParkRd_ExistingSections – Existing Sections;
Drawing No. 0744.MP.0902 – Proposed Master Plan 1;
Drawing No. SC_28ParkRd_ProposedSections – Proposed Sections. and
Drawing No. 0744.T.0901 – Turning/Manoeuvring.

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, pre-application guidance was given and not taken into consideration and 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