

Delegated Report

Outline Planning Application

Planning Application No: 20241018

Location: Lomas Sole Street Cobham Gravesend

Description: Application for Outline application with all/some matters reserved for the demolition of the existing dwelling. Sub division of the plot and erection of 2 new self-build dwellings.

Applicant: Reena Reena Logan

Site Visit Date: Desktop Assessment (previous site visit 11th June 2024)

Submitted Documents/Plans

Planning Application Form;
Drawing No. 001 – Location Plan;
Drawing No. 002 – Outline Planning Site Plan Existing;
Drawing No. 003 – Outline Planning Site Plan Proposed;
Drawing No. 004 – Plot 1 Outline Elevations;
Drawing No. 005 – Plot 2 Outline Elevations;
Custom and Self-build Delivery Statement; and
Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240331	Outline application with all matters reserved for the demolition of existing dwelling and erection of 2 new self build detached dwellings.	Refused	25.07.2024

Development Plan

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 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

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

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009).

Other Relevant Guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2023)

Consultations, Publicity and Representations

Consultees

External Consultees

Dickens' Country Protection Society

The Society notes this is the second application to redevelop this site at higher density, the previous application having been refused. The Society notes that there have been changes from original applications, but the Society wishes to restate its objection. The Society objects to the proposal in principle. What exists is a bungalow and garden in harmony with its surroundings.

What is being proposed is backland development in the garden to the disadvantage of neighbouring properties.

In the Society's view,

- (a) The proposal is in the form of undesirable high density, backland development out of character with the area.
- (b) The proposal would result in a cramped form of development with inadequate amenity land and poor access.
- (c) The proposal would impact adversely on the amenity of adjoining properties known as 'Temperly', 'The Gables' and 'Faincroft House'.

KCC Biodiversity

NO INFORMATION – MORE INFORMATION NEEDED

No ecological information has been submitted with this application. As a result of reviewing the data we

have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

Ecological Impact Assessment

Habitats and features (including the building for demolition) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

The EclA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005² which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

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

Mandatory Biodiversity Net Gain

This application was received by Gravesham Borough Council on 11th November 2024, and the application form declaration was signed 8th November 2024, according to the information available on the planning portal. The applicant has stated within the application form that 710 square metres (or 0.07ha) will be affected by proposals.

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2nd April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt^{3,4}).

Having reviewed proposals we note that the applicant considers the proposals to be exempt from mandatory biodiversity net gain, so that a mandatory biodiversity net gain of 10% will not apply. The applicant has stated that proposals meet the following criteria:

- consists of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

It is not within our remit to verify that dwellings meet the definition of self-build or custom housebuilding as defined in the 2015 Act. Gravesham Borough Council should satisfy itself that proposals meeting the definition and that biodiversity net gain does not apply.

North Kent Sites

The development includes proposals for an additional dwelling within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Gravesham Borough Council must consider the impact the proposal will have on this designated site in

accordance with the NPPF 2024.

Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

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

The local planning authority (the "Competent Authority") must also consult take into consideration Natural England's advice in determining the application. The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority, Gravesham Borough Council.

KCC Highways and Transportation

Thank you for your consultation in relation to the above outline planning application, with all matters reserved. Whilst the principle of the development is acceptable, it is appreciated that the detailed layout, will need to be assessed through a subsequent reserved matters application.

It is proposed an additional dwelling will be built to the rear of Lomas, the existing access from Sole Street will be slightly relocated to improve pedestrian visibility.

I am satisfied that the traffic generation for the additional dwelling is unlikely to result in a significant impact on the highway network,

Parking should be in accordance with Kent Residential Parking Standards (IGN3) as is shown on the submitted plans. All parking spaces should measure 5m in length x 2.5m in width, increasing to 2.7m if they are abutting a wall, fence or soft landscaping. Secure, covered, cycle storage and electric vehicle charging points would also be required for each dwelling.

Overall, I would raise no objection, in principle, to this proposal on highway grounds, provided the following conditions are applied to any consent granted:

- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Provision and permanent retention of vehicle parking spaces and/or garages in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the use of the site commencing.
- Reinstatement of full height kerbing where the previous dropped kerb was located, to be completed with 1 month of planning approval being granted
- Provision and permanent retention of the cycle parking facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the use of the site commencing.
- Provision and permanent retention of electric vehicle charging points in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the use of the site commencing.
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries

- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

KCC Heritage

Thank you for consulting us on this application. The site lies within the historic core area of Sole Street where listed buildings of medieval and post-medieval date survive. Groundworks associated with the proposed development have the potential to impact archaeological remains associated with the medieval and later settlement of Sole Street and to mitigate any impacts I recommend that if planning permission were to be granted the following condition should be applied to any forthcoming consent:

To ensure that features of archaeological interest are properly examined and recorded during development works:

- A) Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development groundworks are observed and heritage assets with archaeological interest are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a Specification which has been submitted to, and approved in writing, by the Local Planning Authority.
- B) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed Specification.
- C) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with local and national planning policy.

Cobham Parish Council

Cobham Parish Council has read the objection document from Gravesham Borough Council for the earlier application (20240331)

Cobham Parish Council still feels that the initial objections from both CPC and GBC are still valid.

Cobham Parish Council feels that this is over development of this site.

Adding the second property results in both residences having very little outside space, and not in keeping with the local area.

Cobham Parish Council therefore objects to this application.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

Designated sites

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (ZoI) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this ZoI, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an **appropriate assessment** in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

Internal Consultees

GBC Environmental Protection

As with the previous (refused) application, there is no objection. The following is recommended.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise any disturbance through noise, dust etc as a result of the demolition and construction.

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Neighbouring properties

Consultation was by way of the displaying of a site notice, together with individual letters sent to fourteen surrounding properties with an overall expiry date of 18th December 2024. Five letters of objection were received in total, however two were from the same postal address and therefore it is considered that only four objections were received making the following collated and summarised comments:

- Impact on privacy, light and outlook to adjacent dwellings, especially The Gables;
- Highway safety when exiting the drive;
- Impact on the countryside;
- Bulk and density;
- Set a precedent;
- Impact on streetscene;
- Subdivision of plot and two new dwellings is inappropriate and contrary to local and national planning policy;
- Impact on character and appearance;
- Currently underdeveloped land to the rear of properties fronting Sole Street;
- Cramped, contrived and visually discordant;
- Harmful to distinctive character and appearance, spatial layout and established pattern of the site and surrounding built environment;
- Revised proposal continues to represent overdevelopment with no material changes in circumstance;
- Same refusal reasons apply;
- Overlooking and loss of privacy to Temperley;
- Increase in noise and disturbance;
- Narrow access to the rear dwelling;
- Harmful to pedestrian and highway safety;
- Tandem onsite parking only, contrary to the adopted Kent Residential Parking Standards;
- Replacement dwellings are much larger than the current one;
- Plot 2 located extremely close to boundary with The Gables;
- Will block natural daylight in habitable rooms; and
- Loss of privacy.

Officer's Analysis

Background

This application is a resubmission of a previously refused outline application with all matters reserved for the demolition of existing dwelling and erection of 2 new self build detached dwellings (App. Ref. 20240331), which was refused for the following reasons;

1. The principal of the backland siting of the proposal, accentuated by the bulk, height and scale of the

rear dwelling would appear as an incongruous and comparatively cramped form of development that would result in overdevelopment of the site. It would be uncharacteristic of the development in this part of Cobham, and would fail to integrate into its surroundings or enhance the quality of the area. The proposal would therefore be contrary to the requirements of Policies CS14, CS15, and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 127, 128, 131 and 135 of the National Planning Policy Framework 2023.

2. The location and layout of the proposed rear dwelling would have a detrimental impact on the amenities of existing and future occupiers in terms of substandard garden amenity space, overlooking and overshadowing, as well as an unneighbourly form of development and the proposal is therefore contrary to the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2023.
3. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 180 and 184 of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

The current application seeks to address the above refusal reasons.

The site layout and access largely remains unaltered. Plot 2 does project further to the north and the proposed parking has been reduced from 3 space to 2 and is in a tandem formation. Plot 2 has also been reduced from a chalet style bungalow with first floor accommodation to a single storey dwelling with hip roof.

Previous Layout 20240331)



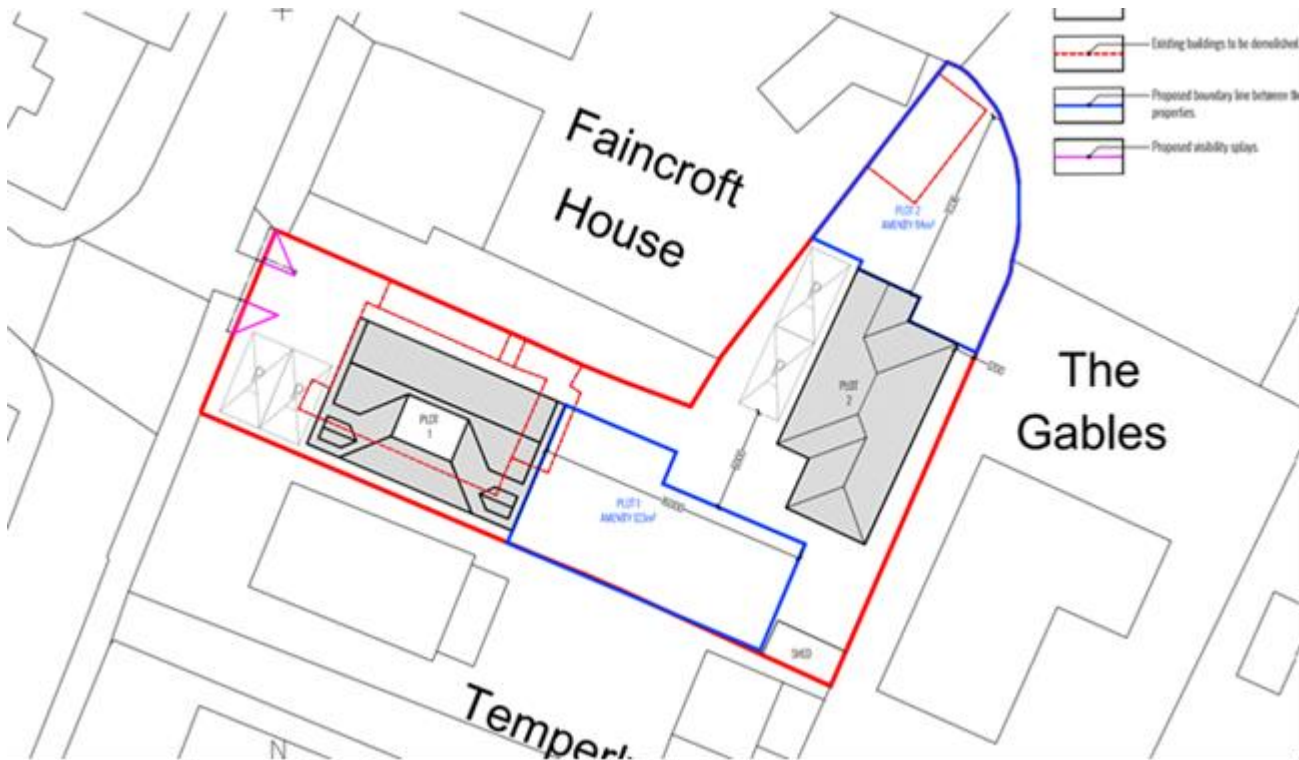
Current Layout



Proposal

The proposal is an outline application, with all matters reserved, for the demolition of the existing bungalow, Lomas, and the erection of 2no. three bedroom self-build detached dwellings, with associated parking, access and amenity areas.

The proposed layout is as follows (*proposed block plan*):



The indicative plans shows the front house would be two storey and the rear property would be single storey.

Housing Need

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

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

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

Given the Council’s current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham’s Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

1. 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

2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential units would offer a minimum contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

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.

Design, Character and Appearance

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 124), 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 129 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 (including residential gardens), and the importance of securing well-designed places.

The application proposes the subdivision of an existing residential plot, with the introduction of one replacement dwelling at the front and a new dwelling within the garden at the back of the plot. With regards to the latter element of the proposal, whilst there are no specific local planning policies which prohibit backland development in either the Core Strategy 2014 or those saved policies from the Local Plan First Review 1994, at a national level the NPPF addresses the issue of garden grabbing in paragraph 75, and states "plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area." This provides the initial policy context for such development.

Consideration of the character of the area is a continuous thread throughout other policies relevant to this case. 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 as well as evidence of local need to create sustainable and balanced communities. The proposals detached dwellings in an area of similar sized properties and this would therefore be supported by Policy CS14 of the Core Strategy 2014, providing design and character is also acceptable.

Policy CS15 of the Core Strategy seeks to achieve a minimum density for residential development in the rural area of 30 dwellings per hectare (dph), subject to the overriding consideration that it achieves good design and does not compromise the distinctive character of the area. In terms of the density of development currently proposed for this site, this would equate to 28dph; this is below the minimum requirement but given the character of the area, which is generally made up of detached houses in good size plots, a higher density would likely be out of keeping. This is shown and explored further in the below images and text.

It is considered that the proposed size and density of the proposed dwellings alone could be acceptable, but their appearance and layout must be considered in the context of their surroundings which will be considered further below.

Section 12 of the NPPF 2024 relates to achieving well-designed places and sets out the Government's requirements in relation to design issues. Paragraph 131 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.

Paragraph 135 of the NPPF 2024 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.

The existing site contains a detached dwelling, Lomas, which is a modest detached bungalow which is not listed or within a Conservation Area. The property benefits from a large rear garden which extends to the rear of Ye Little Shop. Look at the special layout of the area, properties benefit from large plots with generous rear gardens.

Existing Property



Spatial Layout of the Area



With the plot being subdivided in the manner proposed, into one plot at the front and one at the rear, the garden sizes would be much reduced compared to the existing. This is compounded by the fact that such a subdivision into two plots in the manner proposed would be out of character with the area. It is noted that The Gables is a form of backland development, however this is a historic development and has a much more spacious plot and level of amenity space in comparison to the current proposal. As such the proposal would represent a comparatively cramped form of development.

With regards to the design of the front property, whilst this would replace a modest bungalow, the design and bulk and massing of the property would not look at odds in the streetscene, considering the two storey buildings on either side. The siting and size would allow adequate spacing between the adjacent buildings and would not appear cramped. As such, it is considered that the front property would respect its setting and would not appear at odds within the street scene.

The indicative plans of the proposed backland house show a height of 5.19m, compared to the previous application which had a height of 6.76m. This is only a reduction of 1.57m. The proposed rear property would be clearly visible over a general 2m high garden boundary. In fact, this is only 2.6m less in height than the replacement property to the front of the site. This arrangement would be exacerbated if the design were altered, under any reserved matters, to include rooms in the roof space or a two storey property. The proposed hip and gable roof arrangement would add to the bulkiness of the design of the dwelling, and its scale is not considered to be appropriate in relation to its backland location, where more generally in such a location at the bottom of a garden, outbuildings would be the more common form of development.

This image shows the constrained nature of the rear of the site;



In terms of landscaping, from the proposed block which shows access and parking, there is also a large amount of hardstanding proposed within and around the proposed development, with more than half of the plot being taken up by buildings and hardstanding, which would be out of character with the soft landscaped nature of the of the properties in the area, especially when compared with the current rear garden as highlighted above. The existing garden area is dominated by soft landscaping with mature trees and hedging and whilst details of landscaping could be dealt with through the reserved matters, the proposal will unavoidably alter the current verdant nature of the site and result in a huge loss of biodiversity.

Whilst the reduction in height of the rear property (Plot 2) is acknowledged, it is not considered to overcome the overall impact of the proposed development in terms of spatial layout, cramped form of development and impact on the character of the area as a whole. It is therefore considered that refusal reason 1 of planning decision 20240331 has not been overcome.

As such, the principal backland siting of the proposal, accentuated by the bulk, height and scale of the rear dwelling would appear as an incongruous and comparatively cramped form of development that would result in overdevelopment of the site. It would be uncharacteristic to this part of Cobham, and would fail to integrate into its surroundings or enhance quality of the area. The proposal would therefore be contrary to the requirements of Policies CS14, CS15, and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 128, 129, 131 and 135 of the National Planning Policy Framework 2024.

Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). 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, and avoid adverse environmental impacts from pollution, including noise, air and odour pollution.

Future Occupiers

The Nationally Described Space Standard (NDSS) 2015 sets out the minimum gross internal floor area (GIFA) standard for new dwellings. Details relating to the internal layout of each proposed dwelling have not

been provided as part of this outline application and therefore gross internal floor area and individual room sizes cannot be assessed.

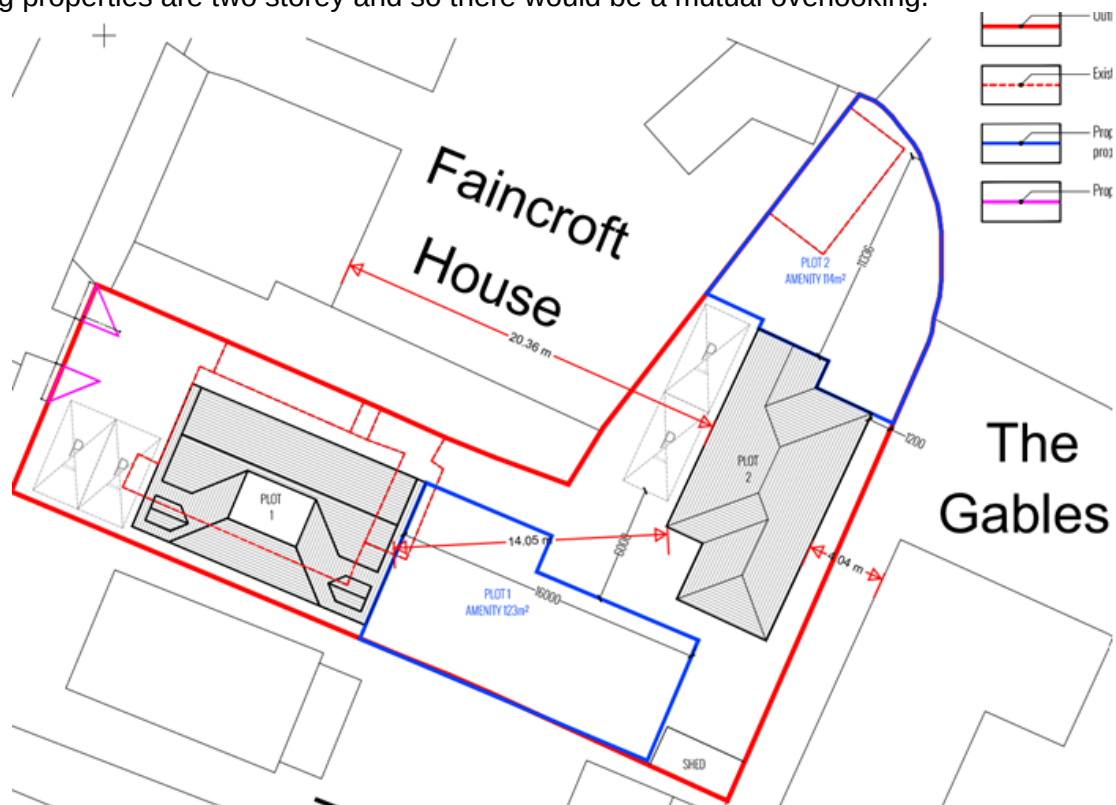
With regard to garden size, the proposed block plan does provide an indication of the rear garden amenity space for each property. The Council's residential layout guidelines states that a 3 bedroom property should have a minimum garden area of 60m² and a minimum depth of 10m. The rear garden area of the front house would have an area of 122.57m² and a depth of 15.98m and the rear property would have an area of 112.63m² and a depth of 11.87m. Therefore, the proposed properties would have sufficient rear garden space.

The indicative layout of the proposed properties is such that insufficient distance would be maintained between the two new properties (14.05m), as well as there only being 20.36m between the west elevation of the rear dwelling and the rear elevation of Faincroft House to the west and only 4.06m from the east elevation of the rear property and the west facing side elevation of The Gables to the east. The Residential Layout Guidelines require distances of between 21m and 26m depending on whether it is across a private garden area. As such, the rear property would be located within the required distances, contrary to the Gravesham Residential Layout Guidelines.

It is therefore considered that in terms of occupier amenity, the proposal would be contrary to the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2024 in respect of the standard of amenity and living conditions for future occupants of the proposed dwelling on the site.

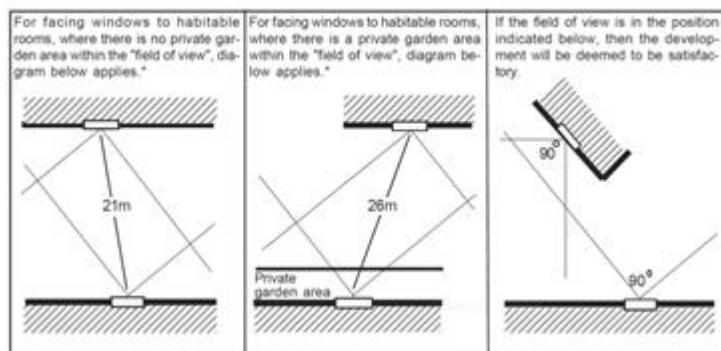
Neighbouring Properties

The main neighbouring properties likely to be affected by the proposal are those detached dwellings either side of the site to the north (Faincroft House) and south (Temperly) and to the east (The Gables). The impact of the front property on the surrounding properties would be minimal due to the presence of the existing property Lomas and the separation distances involved between the existing and proposed properties (see image below). It is acknowledged that the existing dwelling is a bungalow and the proposed front dwelling would have first floor windows which would result in the potential for overlooking, however the surrounding properties are two storey and so there would be a mutual overlooking.



In terms of the impact of the rear property, there would insufficient distance between the west and east elevations of the proposed rear property and the rear elevation of Faincroft House (20.36m), to the east and side elevation of The Gables (4.04m) to the west. The Council's residential layout guidelines states that new dwellings will be expected to comply with the privacy distances and guidance on overshadowing as shown in the image below:

Figure 1



It is also considered that the proposal represents an unneighbourly form of development due to the proximity of the rear dwelling to The Gables. The indicative plans show the dwelling close to the boundary line, as well as a parking area. This is likely to materially impact on the living conditions of The Gable.

Again, whilst the reduction in height and amendment to roof layout and removal of first floor windows of the rear property is acknowledged, the overall position and proximity to neighbouring properties largely remains unchanged and refusal reason 2 of planning decision 20240331 has not been overcome.

Overall it is considered that the location and layout of the proposed rear dwelling would have a detrimental impact on the amenities of existing and future occupiers in terms of overlooking and overshadowing, as well as an unneighbourly form of development and the proposal is therefore contrary to the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2024.

Parking and Highways

Saved policies T1 and P3 of the Local Plan 1994, Policy CS11 of the Core Strategy 2014 and paragraph 116 of the NPPF 2024 comprise the relevant highways considerations for this proposal. These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods.

Whilst sufficient parking for the dwellings could be met on the site and the principle of the development is acceptable, it is appreciated that the detailed layout, will need to be assessed through a subsequent reserved matters application.

It is proposed an additional dwelling will utilise the existing access from Sole Street. Due to the intensification of this access, improvements should be made to improve the pedestrian visibility, together with the provision of secure, covered, cycle storage and electric vehicle charging points being required for each dwelling. The constraints of the width of the site is such that it may not be possible to achieve sufficient sightlines and visibility splays to address the concerns raised by KCC Highways and Transportation utilising the existing access. If the principle of developing the site for two dwellings were considered appropriate, the access would need to be relocated to ensure adequate sightlines.

Any Other Material Planning Considerations

Ecology and Biodiversity

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

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Biodiversity

Policy CS12 of the Core Strategy 2014 seeks to maintain important landscape features for their aesthetic and ecological benefits. This policy also states that there will be no net loss of biodiversity and that the overall landscape character of the Borough will be conserved, restored and enhanced. The Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications.

Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The application has been submitted with a self-build form, indicating that the applicant would undertake the building works themselves. The self-build of a development consisting of no more than 9 dwellings, on a site that has an area below 0.5 hectares and meets the definition of self-build housebuilding in section 1(A1) of the Self-build and Custom Housebuilding Act 2015, is an exemption to the BNG requirement.

The application seeks to construct two detached dwellings on a site of 0.071 hectares, and the construction of the dwellings is considered to meet the definition of self-build. Therefore, no additional information is required under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for BNG.

Impact

There are well-established shrubs and trees on and around the site though they are not protected.

Nevertheless, a tree survey and method statement would be considered important to assess the condition of the trees on the site and provide for their proper protection before any development takes place (ideally this should help inform the layout of development). This should be secured by condition.

A Preliminary Ecological Appraisal (PEA) has not been undertaken and therefore the impact of the proposal has not been properly assessed. If the proposal had been acceptable overall, this supporting information could and would have been requested and subsequently could also be secured by condition. However, as the proposal fails in other areas, it was deemed unnecessary and unreasonable to request that the applicant be put to further expense of a PEA.

The site is located within the Meopham Downs Landscape Character Area. Concerns have been raised above in relation to the loss of soft landscaping on the site; however, as the site comprises an existing residential property within the rural settlement boundary of Meopham, the proposal is unlikely to have any adverse impact on the wider landscape character of the area.

Archaeology

The site lies within the historic core of Sole Street and groundworks associated with the proposed development have the potential to impact surviving archaeological remains at the site. A condition should be imposed relating to a watching brief. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 210 of the NPPF 2024.

Environmental Protection

As an existing residential property in a residential area, the application would have a low environmental risk. A condition should be imposed relating to a lighting and code of practice on construction and demolition. The proposal would therefore comply with Policy CS19 of the Core Strategy 2014 and paragraph 198 of the NPPF 2024.

Conclusion and Recommendation

The proposed development would provide a net increase of 1 dwelling on the site and would offer a minimal contribution towards meeting general housing need in the Borough. Accordingly, this weighs in support of the application, particularly where evidence has shown that the Council cannot currently demonstrate a five year housing supply.

However, this has to be balanced against the proposal on layout, design and amenity impact, matters which are sought throughout the NPPF 2024, including in particular in paragraphs 128, 129, 131 and 135. In this case, as discussed above, there are concerns relating to these matters, and the application is therefore recommended for refusal on the following grounds:

1. The principal of the backland siting of the proposal, accentuated by the bulk, height and scale of the rear dwelling would appear as an incongruous and comparatively cramped form of development that would result in overdevelopment of the site. It would be uncharacteristic of the development in this part of Cobham, and would fail to integrate into its surroundings or enhance the quality of the area. The proposal would therefore be contrary to the requirements of Policies CS14, CS15, and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 128, 129, 131 and 135 of the National Planning Policy Framework 2024.
2. The location and layout of the proposed rear dwelling would have a detrimental impact on the amenities of existing and future occupiers in terms of overlooking and overshadowing, as well as an unneighbourly form of development and the proposal is therefore contrary to the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2024.
3. The proposal fails to secure a contribution towards strategic mitigation measures within the

Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 193 and 194 of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

(For detailed reasons for refusal see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	6 th January 2025	Dated:	7th January 2024