

Delegated Report

Planning Application

Planning Application No: 20220549

Location: 40 Wrotham Road Gravesend Kent

Description: Erection of part single storey, part two storey rear extension and reconfiguration of internal layout to provide 2 additional 1 bed self contained flats.

Applicant: Mr Avtar Photay

Site Visit Date: 27.07.2022

Submitted Documents/Plans

- Application Form;
- Location Plan, Drawing no. 001 Rev A;
- Existing Plans and Elevations, Drawing no. 002 Rev A;
- Proposed Plans and Elevations, Drawing no. 003 Rev A;
- Covering Letter dated 07.06.2022.

Relevant Planning History

Reference	Description	Decision	Decision Date
19820726	Conversion of premises into two self contained flats	Refused	23.05.1983
19810927	Erection of bedroom and lounge extension at 1st floor level enclosure of existing staircase and alterations to existing conservatory at the rear	Approved	02.02.1982
19760596	The erection of an enclosure to an exterior staircase	Approved	29.09.1976
19750194	Change of use of ground floor of former public house to form self contained flat	Approved	08.07.1975
19740377	Alterations and change of use of ground floor only of premises from public house to retail shop.	Refused, dismissed at appeal 24.09.1975	14.10.1974

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

- CS20 – Heritage and Historic Environment.

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas
- T1 – Impact of Development on the Highway Network
- T2 – Primary and District Road Network
- T5 – New Accesses onto Highway Network
- P3 – Vehicle Parking Standards
- AP1 – Area Policy Wrotham Road

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places

Given Gravesham's current inability to demonstrate a 5 year housing land 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. 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.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- 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 63); 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 123(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.

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); and
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

Ward Councillors: No comments received.

GBC Highways: No objection raised.

Neighbouring properties

18 surrounding properties were consulted and a site notice was displayed. The overall expiry date for consultation responses is 08.07.2022.

The two comments of objection received are summarised below;

- Only the rear ground floor flat has access to amenity space;
- No refuse provisions shown for any of the flats;
- A new access into the alley is required for the ground floor flat;
- Depth of garden is 23 metres;
- Room designations unclear;
- Second bedroom to the rear ground floor flat has a single window, its source of light facing the boundary of no. 42 Wrotham Road;
- Proposed scheme has 3 new ground floor bedroom windows and one bedroom window at first floor level, all facing onto the alley which is a security risk;
- Not clear of the plans whether flat 2 has sole access to the garden;
- Not clear from the plans whether a pitched roof or flat roof is proposed.

The replacement of the eastern garden wall has been queried; however, this is not the subject of the current application or included in the proposed development. Therefore, this cannot be considered a material consideration in the assessment of this application.

Officer's Analysis

The principal issues in the consideration of this application are:

- Principle of development;
- Design, character and appearance;
- Amenity of future occupiers of the development;
- Amenity of existing neighbouring properties;
- Parking and highway safety; and
- Ecology and biodiversity.

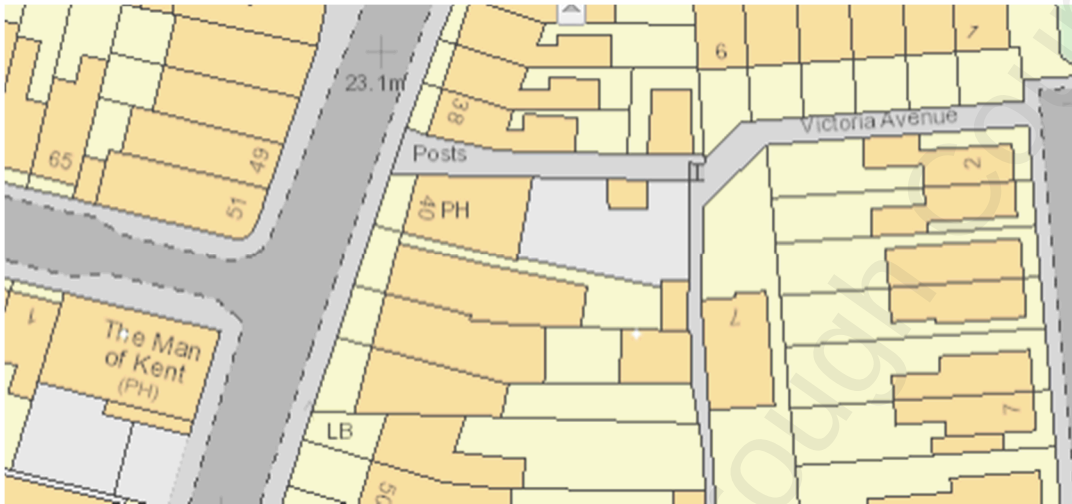
Site description

The building is a two storey detached building and is currently used as two separate flats. The external

building is rendered and painted which has a flat roof rear two storey extension. The site used to be a public house, the Wrotham Ale Shades, which was established in 1874 and closed in 1958 and then converted into flats in mid-1970. There is an alleyway to the north of the building which runs from Wrotham Road from the west through to Victoria Avenue where there is a terrace of two storey dwellings and then to Sheppy Place towards the east.

The property is within a mixed area of residential, some commercial and retail uses. The application site is adjacent to the Upper Windmill Street Conservation Area.

There is a bungalow on land to the east (7 Victoria Av.)



Proposal

The proposal seeks to extend the old public house building at the rear, by erecting a part ground floor, part first floor extension. The existing building currently has a flat roof extension which would be continued by the proposed extensions.

As the current building is currently used as flatted accommodation, the proposal also seeks to reconfigure the internal layout to accommodate two additional flats. The total amount of residential accommodation proposed by the development would be four residential units, although two flats currently exist at the host property.

Principle of development

The site to which this application relates is not specifically allocated for residential development or any other forms of development as such in the adopted development plan (Gravesham Local Plan Core Strategy 2014 and saved policies of the Gravesham Local Plan First Review 1994) being within an urban area and outside of the Gravesend town centre opportunity area, but adjacent to a conservation area.

There is an old saved Area Policy AP1 for Wrotham Road states that in the area shown on the Proposals Map the conversion of existing dwellings to commercial uses will be protected and where the policy is to maintain the broad mix of housing and commercial uses serving the surrounding residential areas or provide community facilities will generally be acceptable, and where proposals respect the scale of existing development and do not adversely affect the amenity of residential properties.

Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land.

The site is within a highly sustainable location close to the town centre and within walking distance of public

transport and close to town centre public car parks. The redevelopment of sites within the urban area encourages recycling of derelict and other urban land and can relieve some pressures for development in the Green Belt. Therefore, Policy CS02 of the LPCS broadly conforms with paragraphs 119 and 138 of the NPPF.

Development on this site should also meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. The area is within a mixed area with a combination of residential and commercial properties with flatted accommodation above.

Policy CS15 (LPCS) requires that all new housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area and notably the character and appearance of the adjoining conservation area. It would work out that the proposed development at the site, amounts to 160 dwellings per hectare which could indicate the site might be overdeveloped.

Therefore, the development of the site for two new residential units would offer a very modest contribution towards meeting this local need and, accordingly, gives limited weight in support of a positive recommendation for the application.

Notwithstanding the above, the site is currently used for residential accommodation, within an area where there is a mix of residential/commercial properties. Therefore, in general terms, there are no overriding objections in principle to the development of the site per se for housing.

All these considerations raised above need to be balanced against other requirements of the NPPF and in particular paragraph 127 and 130 of the NPPF which 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.

The development proposals would need to be judged against the general policies of the development plan as well as the conservation policies.

Design, Character and Appearance – including impact on the adjacent Conservation Area

Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The National Planning Policy Framework (NPPF) in Section 12 (Paragraphs 126 - 136: Achieving well-designed places) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The site is adjacent to a conservation area of Upper Windmill Street Gravesend.

It is stated in the Upper Windmill Street Conservation Area Character Appraisal (2009):

The single footpath within the Conservation Area that does not border a roadway is Victoria Avenue which provides a route through between Sheppy Place and Wrotham Road. Sheppy Place itself provides a pleasant back lane for pedestrians, with little through vehicular traffic.

It indicated in the Character Appraisal that Nos. 1-6 Victoria Avenue are key unlisted buildings. They are within Character Area 3: Zion Place, Sheppy Place and Victoria Avenue. The newer bungalow numbered as 7 Victoria Avenue towards the rear of 40 Wrotham Road is outside of the conservation area.

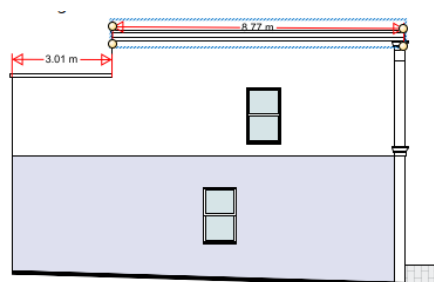
The character of this part of the conservation area is described as:

This small character area encompasses the residential buildings of Zion Place, Victoria Avenue and Sheppy Place. The area is characterised by two-storey buildings of the first half of the 19th century, which were laid out on newly constructed roads as the town expanded southwards during this period. The land rises quite steeply southwards in this area; the terrace of nos. 1-6 Victoria Avenue are set on much higher ground than nos. 1-9 Zion Place to the north...

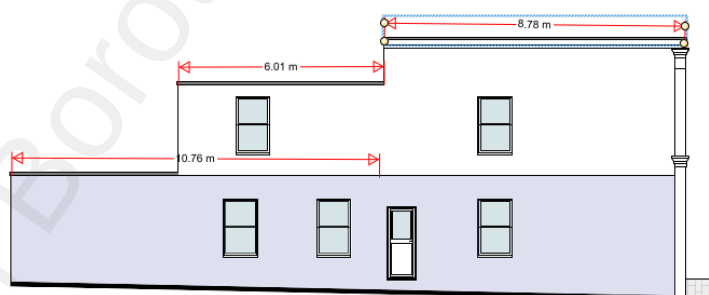
...The 19th century terrace of six houses, ranged along the north side of Victoria Avenue, have a parallel appearance to the villas on Sheppy Place. They are constructed of yellow brick, with render applied in the pattern of banded rustication at ground floor level. However, the character of Victoria Avenue is quite different; the buildings are set facing a narrow pedestrian footpath which links through to Wrotham Road, and have well-tended front gardens, resulting in a quieter, leafier, car-free, residential enclave.

The host property, subject of this application, is a flat roofed ex-public house building which has an existing rear addition which is also flat roofed. The proposed development would involve a part ground and part first floor extension which effectively extends the existing roof forms at the rear at the site.

Extracts of the side elevations are demonstrated below;



Existing North Elevation



Proposed North Elevation

At the rear of the site the properties along Victoria Avenue are within the Upper Windmill Street Conservation Area, which also includes the property to the north of the site, adjacent to no. 30 Wrotham Road. Therefore the proposed changes to extend the property to the rear, would be highly visible from within the adjacent Conservation Area. The relation between the host property is demonstrated below in the extract of the Upper Windmill Street Conservation Area map;



Photos from the site visit are also extracted below;



The first floor would be extended by 3 metres and ground floor would be extended by a further 7 metres from the rear wall of the host property. Evidently from the site visit photos there is an existing brick wall bordering the northern elevation and, from the plans submitted, it is not how the proposed ground extension would relate to the existing northern boundary and/or how the first floor extension would be experienced by

users of the adjacent alleyway.

Extending the host property increases the massing and bulk of the building and therefore, the LPA consider that proposed development would lead to substantial visual harm to the immediate street scene, first floor users of the adjacent accommodation at no. 42 Wrotham Road and users of the adjacent alleyway.

While the application site is not situated within a Conservation Area, the LPA consider that the site is in close proximity to the Upper Windmill Street Conservation Area and that the overall design of the proposed development would not make a positive contribution to the local character and distinctiveness of the immediate locality. Conversely, by virtue of extending the host property at ground and first floor would create an overdominant and overbearing impact to the users of the adjacent alleyway from Wrotham Road leading to Victoria Avenue.

In light of the above, the proposal fails to create a visually attractive and locally distinctive development, which preserves the setting of the Borough's heritage assets. In light of the design concerns, the proposed development fails to comply with the requirements of saved policy TC3, policies CS19 and CS202 of the Core Strategy 2014, and paragraphs 126, 130 and 197(c) of the NPPF 2021.

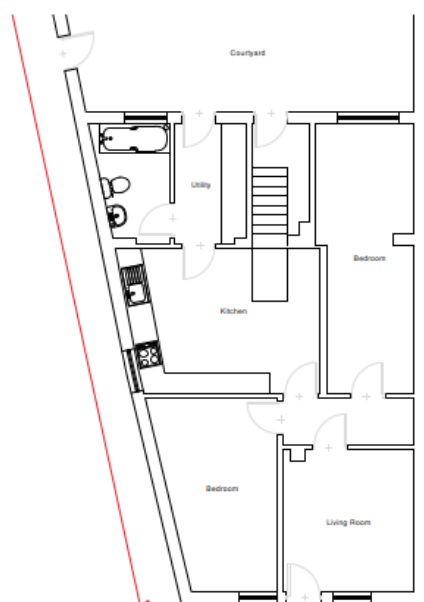
Amenity of Future Occupiers

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

As the proposal seeks to create two additional dwellings, creating a total of 4 residential units at the site. It is proposed to create units 1 and 2 at ground floor with a gross internal floor area of 65 sq.m and 61 sq.m respectively each with 2 beds. The upper floors containing units 3 and 4, both with 1 bed each would be 43sq.m and 45sq.m respectively. All of the flats comply with the Nationally Described Space Standards (2015).

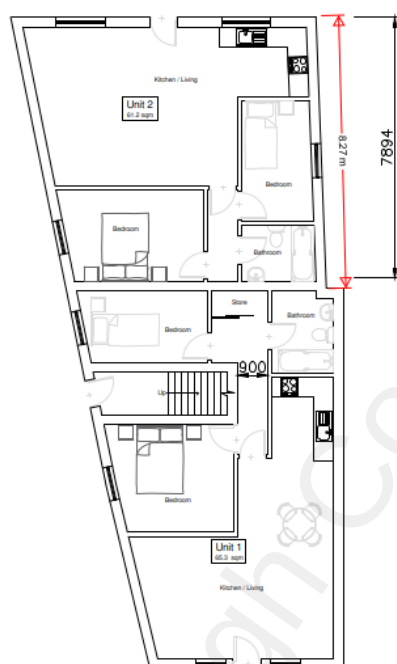
It was noted from the site visit that there are two doors in the flank wall of the northern boundary, but it is not clear how these doors would be used for the proposed development from the plans or how they are used currently. In any case, the existing and proposed floor plans are demonstrated below along with the proposed site plan;

Existing



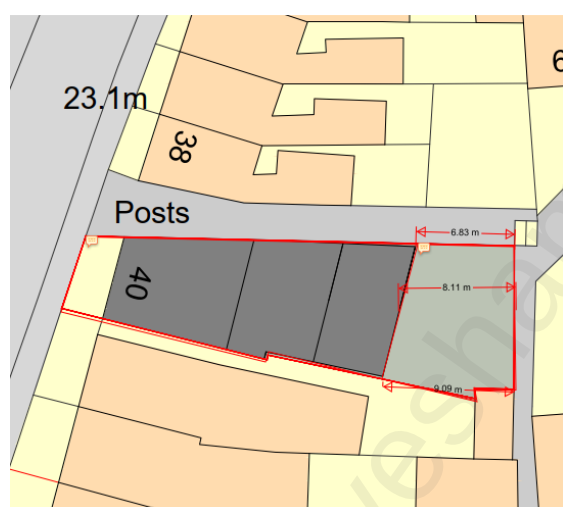
Existing Ground Floor

Proposed



Proposed Ground Floor

Proposed Site Plan



The ground floor flats are of particular concern since there are 3 bedrooms, serving units 1 and 2, which directly face onto the adjacent alleyway with no defensible space. Unit 3, at first floor, also has a bedroom facing the adjacent alley/brick wall. Evidently, the potential occupants of the bedrooms at ground floor, along the northern boundary would experience a severe lack of privacy and overlooking from adjacent pedestrians and these windows would effectively face a brick wall with limited daylight/sunlight opposite 38 Wrotham Road. Furthermore, unit 2 at ground floor, to the rear of the site would also experience limited daylight as the bedroom window would face the southern boundary at no. 42 Wrotham Road.

In terms of private amenity space, the plans indicate that, at the shortest, the rear garden would be retained at 6.8 metres and at the widest 9.1 metres. The Council's Residential Layout Guidelines (amended June 2020) requires a minimum of 10 sq.m for self-contained residential units containing two or more bedrooms. The intention is that the amenity space should be of sufficient size to accommodate general residential activities, such as children's play space, drying area, limited outside storage, sitting out and general leisure use. The total private amenity space retained by the proposed development, would be approximately 80

sq.m, however, given that the amenity space would be accessed and potentially utilised by all of the proposed units the private amenity space is not capable of accommodate the needs of 4 residential units given the depth of the rear garden would at its most generous be 9 metres to the rear.

As noted above, there are two doors in the northern boundary wall of the site, one of which presumably provides access for the first floor flat. As far as the existing plans are concerned, it would appear that the ground floor flat would experience a degree of overlooking/loss of privacy to the bathroom and bedroom at the rear. However, as a result of the proposed development, it is not clear how the private amenity space would be utilised. If anything, it appears that unit 2 would monopolise the private amenity space. Notwithstanding this, the potential lack of access to the garden from units 1, 3 and 4 and potential overlooking/loss of privacy to unit 2 are further indicators that the site is overdeveloped.

In respect of the amenity of future occupiers, however, it is considered that the proposal by virtue of the poor internal layout demonstrated by the loss of privacy of the ground floor bedrooms, the lack of daylight to the unit 2 bedroom along the southern boundary and the limited access to the private amenity space to the rear of the site indicate the site would overdeveloped and provide poor living conditions for future occupiers of the flats that would be harmful to their amenity. As such, the proposal is not fit for purpose and would be contrary to Policy CS19 (LPCS).

Amenity of existing neighbouring properties

The first floor extension would directly adjoin the site at no. 42 Wrotham Road, which appears to accommodate residential accommodation. The rear of no. 42 Wrotham Road has an existing part two storey rear extension, which is setback from the northern flank wall opposite the application site. The first floor of the adjacent site has a window directly facing the application site (in the first floor rear addition), and the rear wall of the main property also has a rear window facing the rear of the site. Given the proposed development would extend 3 metres at first floor, this would cause a significant overbearing impact to the adjacent site both at first and ground floor.

In terms of the impact to the site at no. 38 Wrotham Road, there is an alleyway between the application site and the neighbouring site which has a large flank wall with no windows in the flank wall. Therefore, impact no. 38 is considered limited.

In respect of the amenity of future occupiers, however, it is considered that the proposal by virtue of overbearing impact to the adjacent property is a further indicator the site would be overdeveloped. The proposal conflicts with Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021 in respect of the adjacent residential accommodation at no. 42 Wrotham Road.

Parking and highway safety

The Highways Officer has been consulted on the current application and has not raised an objection to the application, despite not being able to provide off street parking. Although, the application site is edge of town centre and the site itself is not possible to provide off site parking provisions.

Notwithstanding this, suggestions were made to provide cycle provisions in accordance with the guidance in SPG4 KCC Parking Standards. However, the application is recommended for refusal and the highways requests, at this time, will not overcome reasons for refusal.

Ecology and Biodiversity

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

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

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £275.88 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

In this case a contribution agreement has not been provided by the applicants (the required tariff would be £551.76 for the net addition of 2 units). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore the proposal is contrary to Paragraphs 180 and 181 of the NPPF 2021 and Policy CS12 (LPCS.)

Any Other Material Planning Considerations

None.

Conclusion and Balancing Exercise

The proposal would have the benefit of providing a net addition of two units which would be a modest contribution to the Borough’s housing supply which adds some weight to the proposal. However, it is also considered that the creation of two additional residential units, with a total of four flats proposed, would amount to overdevelopment of the site. As a result, the proposal would not provide a quality development in design terms and provide unacceptable living conditions, poor standards of amenity for future occupiers and would harm neighbouring amenity to adjacent occupiers. The application would also potentially have significant adverse effects on the North Kent Marshes SPA/Ramsar site. As such, the proposal is contrary to Policies CS12, CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Recommendation

Refusal

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

Case Officer:	Ms Genna Henry	Team Leader:	Miss Faye Hobbs
Signed:	<i>G. Henry</i>	Signed:	
Dated:	28th July 2022	Dated:	28 July 2022

Gravesham Borough Council