

PLANNING STATEMENT

LAND AT JUNCTION WITH DAVIS AVENUE & ROSEBANK
GARDENS, NORTHFLEET, GRAVESEND DA11 8RZ

Gravesham Borough Council

PLANNING STATEMENT

Erection of a single storey dwelling with associated works.

Land at junction with Davis Avenue & Rosebank Gardens, Northfleet,
Gravesend DA11 8RZ.

Mr Charles Adams

February 2022

YOUR REF:

OUR REF: M21/0914.02.RPT

TETLOW KING PLANNING
FIRST FLOOR, 32 HIGH STREET, WEST MALLING, KENT ME19 6QR
Tel: 01732 870988 Email: info@tetlow-king.co.uk

www.tetlow-king.co.uk

Contents

Section 1	Introduction	1
Section 2	Site & Relevant History	3
Section 3	Development Proposal	5
Section 4	Planning Policy Context	7
Section 5	Planning Assessment	12
Section 6	Conclusion	23

Appendices

- Appendix 1 [Previous Approved application \(20040711\)](#)
- [Appendix 1a Cover Letter](#)
 - [Appendix 1b Application Forms](#)
 - [Appendix 1c Site Plan](#)
 - [Appendix 1d proposed Plans](#)
 - [Appendix 1e Decision Notice](#)

(Please note these drawings and documents have been removed due to a concern over copyright so can instead be viewed from the planning register)

Introduction

Section 1

- 1.1 This Planning Statement is prepared on behalf of Mr C Adams to accompany a fully application for the erection of a single storey disabled dwelling with associated works, on land at junction with Davis Avenue and Rosebank Gardens, Northfleet, Gravesend DA11 8RZ.
- 1.2 This Planning Statement is submitted pursuant to Article 8 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and should be read in conjunction with the submitted application forms, certificates, plans and supporting documents.
- 1.3 This Statement provides a background to the proposal, together with a description of the Site and surroundings. The Statement demonstrates the planning merits of the proposal, having regard to relevant National and Local Planning Policy and other important material considerations upon which it is considered this application should be determined, in addition to details of the development, design and access considerations and the key planning issues, and from this draw our conclusions in support of the proposal.
- 1.4 The description of the proposed development is as follows:
- The erection of a single storey dwelling with associated works.***
- 1.5 This Planning Statement is set out as follows:
- Section 2 - sets out the context of the site and its surroundings as well as the sites planning history;
 - Section 3 - sets out the details of the proposals;
 - Section 4 - sets out the planning policy context and explores other material considerations;
 - Section 5 - sets out the planning considerations for the application cross referencing the proposals against the planning policy context and other material considerations; and

- 1.6 Section 6 - concludes that the proposals are supported by planning policy and therefore the application should be approved.

Site & Relevant History

Section 2

The Site and Surroundings

- 2.1 The site comprises a vacant parcel of land situated at the junction of Rosebank Gardens to Davis Avenue. To the south of the site is a trackway which allows access to the rear of properties to Davis Avenue. Adjacent to the northern boundary is Sherwood Cottage, a detached bungalow.
- 2.2 The area is predominately residential comprising a mix of single and two-storey detached, semi-detached and terraced properties. House types are varied, with no predominate style prevailing in the area.

Relevant History

- 2.3 In May 2004 an outline planning application for the erection of a detached two storey dwelling was refused (20040307) for the following reason:
 1. The proposal fails to be assessed against Policies H2, H3 and TC1 of the adopted Gravesham Local Plan First Review and Policies H3, H4 and BE12 of the Gravesham Local Plan Second Review Deposit Version. The emphasis of these policies is to ensure that any new residential development be in keeping with its surroundings and protects the privacy and amenity of adjoining residents. The proposed two storey detached dwelling, by virtue of its size and close proximity to the adjoining dwellings would result in overdevelopment, overshadowing and loss of outlook detrimental to the amenity of the occupants of the application site and the adjoining dwellings. As such the proposal is contrary to adopted Development Plan policy.
- 2.4 In September 2004, a revised outline application was submitted for the erection of a detached 2-storey two-bedroom dwelling (20040711). This application was subsequently granted subject to conditions. (See Appendix 1).
 1. Details relating to the design and external appearance of the proposed building and landscaping shall be submitted to and approved by the local planning authority before any development is commenced.

2. Application for the approval of reserved matters referred to in Condition (1) above must be made no later than the expiration of three years beginning with the date of the grant of outline planning permission.
 3. The development to which this permission relates must be begin no later than whichever is the latter of the following dates:
 - a. The expiration of five years from the date of the grant of outline planning permission; or
 - b. The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.
 4. Details submitted pursuant to condition (1) shall comply with the Borough Council's adopted Residential layout.
- 2.5 More recently planning permission was sought for the erection of a single storey dwelling with associated works under reference 20210058. This application was refused at planning committee on 7 April 2021, for the following reasons:
1. The proposed dwelling will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 117, 122, 124, and 127 of the National Planning Policy Framework 2019.
 2. The proposed dwelling will result in an unacceptable and cramped amenity space for future occupiers and would also be likely to experience unacceptable and mutual levels of overlooking and loss of privacy from the proposed layout and the close presence of Nos. 44-46 Rosebank Gardens. The proposal would therefore fail to provide a high standard of amenity for future occupiers and existing properties, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 127f of the National Planning Policy Framework 2019.

Development Proposal

Section 3

Built Development

- 3.1 The proposal seeks permission for the erection of a single storey 1 bed disabled dwelling.
- 3.2 The built development being single storey is significantly less than the scheme approved previously in 2004 for a two storey dwelling.

Amount, Layout and Appearance

- 3.3 The proposed single storey dwelling has been designed using a simple design that utilises contemporary materials and is designed to “not compete” with the surrounding architecture. The unit will be designed to accommodate occupation of a disabled occupant requiring the use of a wheelchair in full or part.

Scale

- 3.4 Care has been taken to minimise the sense of mass and scale to protect the visual amenity and light to Sherwood Cottage and the impact upon the wider locality. A mono pitched roof will be introduced with the highest point facing Rosebank Gardens and the lowest point to the Northern boundary facing Sherwood Cottage; minimising any sense of enclosure or loss of light.
- 3.5 The dwelling will be subservient to the locality, so any impact is minimised whilst making good use of the currently vacant land.

Access

- 3.6 The introduction of the dwelling will retain the existing access arrangements to the trackway from Rosebery Gardens to the rear of Davies Avenue in place. This is the same as for the previously approved scheme on site, and indeed common with all of the previous applications.
- 3.7 The unit is designed as a 1 bedroom 1-person unit and so any increase in activity or traffic is minimal.

Amenity

- 3.8 The proposal will provide an enclosed private amenity space to the rear of the property, together with a landscape frontage to Rosebank gardens.

Materials

- 3.9 It is proposed to use clean, easily maintained and contemporary materials so as not to compete with the surrounding architecture and to ensure that the proposal is subservient to the locality. The roof materials are to be zinc standing seam or a similar product forming a standing seam mono pitched roof. The walls have a combination of Cedral weatherboarding, with both wood effect and smooth panels fixed both horizontally and vertically with reconstructed stone features to frame and highlight the entrance area.

Planning Policy Context

Section 4

Introduction

- 4.1 Statutory guidance and Development Plan policies have been important considerations in the preparation of the proposal and details of the relevant guidance against which the application is to be considered are set out below. The implications of these policies and other material considerations are addressed in Section 5 of this statement which set out the planning case.

Development Plan Policy

- 4.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 an application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 The current Development Plan for the administrative area comprises the Gravesham Local Plan Core Strategy (2014) and Saved Policies of the Gravesham Local Plan First Review (2014). Other material considerations include Supplementary Planning and Planning Practice Guidance (PPG).

Gravesham Local Plan Core Strategy (2014)

- 4.4 The Local Plan Core Strategy (hereafter LPCS) was adopted in 2014 and sets out the Council's strategic policies and proposals for the development and use of land within the Borough up to the period of March 2028
- 4.5 The urban area of Gravesham is identified as the primary 'Tier 1' settlement within the Borough and as such, the most sustainable location within the Borough. Policy CS02 seeks to ensure that at least 6,170 new dwellings are delivered in the Borough in the period up to 2028.
- 4.6 Listed below are those policies relevant to this application, those highlighted in bold relate to the policies specifically referred to in the Council's recent decision notice:
- CS01 – Sustainable Development
 - CS02 – Scale and Distribution of Development
 - CS11 – Transport

- CS12 – Green Infrastructure
- **CS14 – Housing Type and Size**
- **CS15 – Housing Density**
- **CS19 – Design and Development Principles**

Gravesham Local Plan First Review 1994

4.7 Also listed below are those policies which were relevant at the time of the 2004 approved application:

- Policy H1 - Housing Areas
- Policy H2 – Application of Residential Design Guidance
- Policy H3 – Character of Housing Areas
- Policy TC1 – Design of New Development

Material Considerations

National Planning Policy Framework (2021)

- 4.8 In July 2021 the Government published the latest National Planning Policy Framework (the 'Framework') which sets out its objectives for securing sustainable economic growth and the approach for 'plan making' and 'decision taking' for all planning policy in England. Full regard must be had to the Framework (2021) as an overarching material consideration in the determination of this application.
- 4.9 Throughout the Framework there is a presumption in favour of sustainable development. Paragraph 7 states *“the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*
- 4.10 Paragraph 8 of the Framework states that under this approach, planning is expected to deliver:
- A strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and the provision of infrastructure (Economic role);

- Strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible local services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (Social role); and
 - Contribute to protecting and enhancing of our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (Environmental role).
- 4.11 The presumption in favour of Sustainable Development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.12 Paragraph 11 requires Local Planning Authorities (LPA) to positively meet the development needs of their area; and the core planning principles set out in paragraph 16 add to this message of positivity, stating that LPA should plan to meet full, objectively assessed, housing needs (OAN), responding positively to wider opportunities for growth and taking account of market signals, including housing affordability.
- 4.13 This is taken forward further in paragraph 11, which also states in terms of 'decision taking' this means approving development proposals that accord with an up-to-date development Plan without delay. However, where there are no relevant development Plan policies, or the policies which are relevant for determining the application are out-of-date, paragraph 11(d) would be engaged.
- 4.14 Paragraph 11(d) is clear that in these circumstances planning permission should be granted unless the Framework provides a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.15 In considering planning applications paragraph 38 requires local planning authorities to "*approach decision on proposed development in a positive and creative way*". It goes on to state that "Decision-makers at every level should seek to approve applications for sustainable development where possible".

- 4.16 Section 5 focuses specifically on delivering a sufficient supply of homes. Paragraph 60 reaffirms the Government's objective of "*significantly boosting the supply of housing*".
- 4.17 In regard to housing land supply, paragraph 74 reaffirms the need for a 5% buffer on housing supply to ensure choice and competition as well as the 20% buffer where there has been a record of significant under-delivery over the previous three years. A 10% buffer is also now applied to those authorities wishing to demonstrate a five-year supply of deliverable sites through annual position statements or a recently adopted Local Plan.
- 4.18 Chapter 9 seeks to promote sustainable transport. Paragraph 109 states that developments should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.19 Section 11, places emphasis on planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.20 Chapter 12 concerns, achieving well designed places and confirms that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.21 Paragraph 174 confirms that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, and minimising impacts on and providing net gains in biodiversity.

National Planning Practice Guidance

- 4.22 Planning Practice Guidance published in March 2014 ("PPG") is a 'live' document that builds on the principles within the Framework and provides further detailed technical guidance to complement the Framework.
- 4.23 The PPG reinforces the importance of the Framework as representing the most up-to-date Government planning policy, which must be taken into account where it is relevant to a planning decision. This includes the presumption in favour of development found at Paragraph 14 of the Framework.
- 4.24 Importantly, the PPG states that if decision takers choose not to follow the Framework, where it is a material consideration, clear and convincing reasons for doing so are needed (Paragraph: 006 Reference ID: 21b-006-20190315).

- 4.25 The PPG requires Councils to provide five years' worth of housing against their housing requirements at all points during the Plan period, and that housing requirement figures in up to date adopted Local Plans should be used as a starting point for calculating five-year supply.
- 4.26 When a 5-year housing supply plus a relevant buffer cannot be demonstrated by a Local Authority, then the presumption in favour of sustainable development will apply, as set out in footnote 6 on the Framework. (Paragraph: 039 Reference ID: 3-039-20180913.

Planning Assessment

Section 5

- 5.1 This section of the Statement provides the justification for the proposal having regard to the relevant planning policy background, the character of the local area and the sites planning history.
- 5.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'Development Plan' unless material considerations indicate otherwise.
- 5.3 The Framework states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will need to be balanced against other issues such as the sustainability of the site, character and appearance of the proposed development and highway safety.
- 5.4 As set out in the history section the previous application was refused for the following reasons:
1. The proposed dwelling will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 117, 122, 124, and 127 of the National Planning Policy Framework 2019.
 2. The proposed dwelling will result in an unacceptable and cramped amenity space for future occupiers and would also be likely to experience unacceptable and mutual levels of overlooking and loss of privacy from the proposed layout and the close presence of Nos. 44-46 Rosebank Gardens. The proposal would therefore fail to provide a high standard of amenity for future occupiers and existing properties, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 127f of the National Planning Policy Framework 2019.

5.5 It is therefore submitted that there are two main issues to address with this revised application, these being:

1. The impact of the development on the character of the area; and
2. Harm to residential amenity.

5.6 However, before these main issues are discussed, it is first import to establish the Council's housing land supply position as this is a 'material consideration'.

Housing Land Supply

5.7 The LPCS was adopted in 2014 and therefore does not meet the definition of a 'recently adopted Local Plan', as set out in Footnote 40 of the Framework. Paragraph 61 (Framework) sets out that strategic policies should be informed by a local housing need assessment to determine the minimum number of homes needed in an area.

5.8 Paragraph 74 (Framework) reaffirms the requirement for Council's to demonstrate 5 years supply of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land, or 10% where the Council wishes to demonstrate the supply through an annual position statement of their adopted plan.

5.9 Paragraph 75 (Framework) introduces a new requirement for Council's to demonstrate delivery at 95% of its requirement over the previous three years, otherwise they will be required to prepare an Action Plan to determine the reasons for poor delivery and set out actions to increase future delivery rates.

5.10 The Housing Delivery Test: 2021 measurements. (January 2022) confirms the Council's current under delivery. It notes that the Council has consistently under delivered over the three-year period resulting in only 57% of its housing targets being delivered. As a consequence, the 'presumption in favour of development' is therefore engaged. (See Figure 1).

Year	Homes required	Homes delivered	HDT measurement	HDT consequence
18-19	325	292		
19-20	393	164		
20-21	436	205		
Total	1154	661	57%	Presumption

Figure 1: Housing Delivery Test 2021

- 5.11 The Council acknowledges that they cannot demonstrate a 5-year supply of housing. Moreover, the Council's delegated report for the previous application noted that:
- "Given Gravesham's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of the Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF".*
- 5.12 Since the writing of the Council's report referred to above, the Housing Delivery Test: 2021 measurements demonstrates that the Council's performance has weakened from 2020 where they demonstrated 70% delivery against the current 57%, despite allowances being made for the impacts of COVID-19.
- 5.13 In these circumstances Paragraph 11d (Framework) would apply, this sets out that local policies that would normally restrict the supply of housing would be considered out of date. Planning permission should therefore be granted unless either of the following.
1. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 2. Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- 5.14 The application site lies within the urban area as designated by Policy CS02. The Site does not lie within any land designations which are sought to be protected within the Framework or those included within Footnote 7. Therefore, in this case, the relevant test for this application is under Paragraph 11d (ii) and whether there are any adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- 5.15 The proposed development would provide a net increase of 1no. dwelling which would offer a small contribution towards meeting local housing need, and accordingly this weighs in favour of the scheme as acknowledged in the Council's Committee report (paragraph 6.4 application no. 20210058).
- 5.16 It is however also relevant to consider the demand for 1-bed dwellings and provision within the borough. The housing demographic (March 2020) report prepared in support of the Regulation 18 consultation to the LPCS partial review acknowledged under paragraph 4.19 that there was a considerable growth in 1-person dwellings between

2018 and 2036 based upon the population forecasting. This provides the update to the SHMA 2012, which projected a 35.2% increase in one person households between 2011 and 2028.

- 5.17 This information combined demonstrates that there will be a continued strong demand for appropriate 1 bedroom dwellings within the Borough, and previous discussions with the housing department have confirmed that there remains a waiting list for appropriately designed single storey wheelchair accessible accommodation. Accordingly, whilst this application is only for 1 dwelling it meets a housing typology that is in great demand with limited available choice.
- 5.18 The Framework also encourages the effective use of land in meeting the need for homes, in particular by making as much use as possible of previously developed or 'brownfield' land (Paragraph 119), which this site would be considered to be, as acknowledged in the Council's Committee report (paragraph 6.4 application no. 20210058).
- 5.19 Notwithstanding the Council's absence of a 5-year supply of housing, it is considered that this is a suitable site for housing in its own right and appropriate to consider for housing as a 'windfall' site.

Character of the Area

- 5.20 In regard to the impact of the proposal on the character of the area, the Council's decision on the previous application states that *"the impact of the proposed dwelling would result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area"*.
- 5.21 The character of the immediate area comprises a mix of single and two storey detached, semi-detached and terraced properties. House types are varied, with no predominant style prevailing in the area.
- 5.22 LPCS policy CS14 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. The proposal forms a 1no. bedroom detached 'disabled' dwelling and would therefore be supported by Policy CS14 of the Core Strategy and this is confirmed in the Council's Committee report (Paragraph 6.7 application no. 20210058).

- 5.23 Policy CS15 of the LPCS seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare (dph). It is acknowledged the proposed dwelling would exceed 40 dph at 57 dph, however, it is not considered that this is an indication that the proposal represents overdevelopment of the site.
- 5.24 Policy CS15 clearly states that *“within the urban area, new residential development will be expected to achieve **a minimum density of 40 dph**. In suitable locations close to the transport hubs of Gravesend Town Centre and Ebbsfleet, **higher densities** will be sought”* (our emphasis added).
- 5.25 In addition, paragraph 5.11.7 (Core Strategy 2014) also states *“Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area may be refused planning permission”*.
- 5.26 The proposal would meet the **minimum** density of 40 dph, the site is within a highly sustainable area and would in fact make efficient use of the land, as such the proposal would comply with LPCS policy CS15.
- 5.27 Relevant to this proposal, paragraph 124 of the Framework states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area’s prevailing character and setting, and the importance of securing well-designed places.
- 5.28 The application seeks permission for a 1no. bed, 1-person, ‘disabled’ bungalow which would be in character with the surrounding area and accord with policy CS14. It has been established that the site is located in a highly sustainable urban area and the proposal would meet the minimum requirement of 40 dph making efficient use of the land in accordance with LPCS Policy CS15, the proposal is therefore not out character with the area and does not constitute over development.
- 5.29 Turning next to the ‘prominence of the dwelling’ which was specifically referred to in the reason for refusal in terms of character on the previous scheme. Paragraph 126 NPPF states that good design is a key aspect of sustainable development. Paragraph 130 of the Framework 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 LPCS reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.
- 5.30 As set out in the history section and attached at Appendix 1, the site was granted outline planning permission in 2004 for the erection of a two storey 2no. bed dwelling, which whilst is not a material planning consideration in respect of a fall-back position,

(as the permission has lapsed), does assist with demonstrating that the proposal could not be considered 'prominent' on the site.

- 5.31 The Council acknowledge the permission granted on this site in 2004 for a detached two storey dwelling. However, consider *"there have been local and national planning policy and SPG changes since that time that such a development would be likely to be considered differently were it to be determined now. Furthermore the 2004 permission expired and is not a material planning consideration"*. (Paragraph 6.10 Council's Committee report application no. 20210058).
- 5.32 Whilst there have been changes to both national and local plan policies since 2004 it is not considered that any of the changes occurred are so different that it warrants coming to a different conclusion.
- 5.33 The application site still falls within the urban area, this has not changed since the 2004 application. Policies in 2004 comprised the Gravesham Local Plan First Review (1994). Policies specific to the application in 2004 were:
- Policy H1 – Housing Areas
 - Policy H2 – Application of Residential Design Guidance
 - Policy H3 – Character of Housing Areas
 - Policy TC1 – Design of New Development
- 5.34 In specific regard to character, Policy TC1, stated
- "The Borough Council will not normally permit proposals for new development which cause harm to interests of acknowledged importance. Applications will be considered in accordance with the following design principles:*
1. *The scale and massing of the buildings should normally be in keeping with their surroundings*
 2. *The design of new developments should accord with the principles of the Kent Design Guide and in the case of residential development, with Housing Policies H2 and H3 of this Plan.*
 3. *The design of any alteration or extension shall respect the character and appearance of the existing building and safeguard the privacy and amenity of adjoining residents.*

4. *Materials used should be of good quality and sympathetic to the area concerned.”*

5.35 Therefore, it was considered that a two storey two bed dwelling on this plot would not be ‘prominent’ and would in fact be in keeping with the character of the area in terms of its scale, and massing. The proposed scheme would arguably be less in terms of scale, massing, design, and appearance and as such less prominent in the street scene. The design of the dwelling is modest and not dissimilar in scale and massing to garaging within the immediate area.

5.36 It is noted that when the LPCS was formally adopted in 2014 a number of saved policies were either replaced by LPCS policies or deleted as they were no longer necessary. In respect of policies TC1 and H2 these were replaced by LPCS Policy CS19 and Policy H3 with LPCS Policies CS14, CS15 and CS19.

5.37 Policy CSP19 – Development and design principles states:

“New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area, and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through various criteria set out in the policy, those relating to specifically to character and appearance are set out below:

- *Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, 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. Account will be taken of the scale, height, building lines, layout, materials, and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;*
- *The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;”*

- 5.38 It is pertinent to note that the Residential Layout Guidelines referred to in the LPCS are effectively the same as those in place in 2004 save for an update to reflect the Housing Standards Policy Statement October 2015. There is therefore no fundamental change to the document between the 2004 approval and the current proposals to warrant a material difference to compliance with the standards, despite changes to development plan policy both nationally and locally.
- 5.39 In regard to character the previous scheme was also refused on Policies CS14 and CS15, however, it has already been established that the proposal would accord with Policies CS14 and CS15.
- 5.40 In terms of policy changes, whilst it is accepted that there is now a greater emphasis on good quality design and achieving well designed places, there is also as much emphasis on boosting the supply of housing and providing a range of dwelling types and sizes to meet local need and to create sustainable and balanced communities.
- 5.41 Therefore, whilst there have been changes to both national and local plan policies since the grant of the 2004 permission these changes have not been significant to warrant coming to a different conclusion. The site context and surrounding area remains the same. The principle of those policies used in the 2004 application with regards to scale, massing, prominence, layout, and character have been carried through into updated policies, therefore a single storey 1no. bed bungalow would not result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area.
- 5.42 The proposal is therefore considered to be in accordance with the requirements of Policies CS14, CS15 and CS19 of the LPCS 2014, and Framework 2021.

Residential Amenity

- 5.43 In regard to residential amenity, the Council considered that the previous scheme resulted in an unacceptable and cramped amenity space for future occupiers and would also be likely to experience unacceptable and mutual levels of overlooking and loss of privacy from the proposed layout and the close presence of Nos. 44-46 Rosebank Gardens.
- 5.44 National Design Space Standards (NDSS) came into effect in 2015 which post-dates the LPCS 2014. In terms of internal floor area, the NDSS states that for a 1no. bed 1 person 1 storey dwelling with shower room the minimum gross internal floor area would be 37m².

- 5.45 The proposed scheme has been designed with 'disabled' requirements in mind and as such, the scheme actually exceeds NDSS with an internal floor area of 44m². This was recognised at paragraph 6.14 of the committee report.
- 5.46 The Council also considered that the previous scheme did not comply with SPG2 Residential Layout Guidelines (amended 2020) in respect of garden amenity area which offers 'guidance' on this matter.
- 5.47 This guidance states for a 1–2-bedroom house a minimum garden area of 37.2m² is required, with a minimum depth of 7.6m. In order to address this, the revised scheme increases the size of the proposed garden area from 23m² to 44m². In addition, the depth of the garden has been increased from the 3.5m on the previous scheme to 6.7m under the current proposals. Whilst this depth remains below the minimum 7.6m set out in the SPD this is only a guide and exceptions can be made when the overall space is deemed to be acceptable. As such the revised scheme would comply with Policy CS19 of the LPCS 2014 and paragraph 130f of the Framework 2021.
- 5.48 Turning to overlooking and loss of privacy, the Council considered that the previous scheme resulted in the loss of privacy to both the proposed and existing dwellings. The Council's committee report (Paragraph 6.17 application no. 20210058) stated *"as there is no space around the dwelling or set back of the property from the site boundaries, the front windows are likely to feel overlooked. The proposed bedroom window in particular would also directly face the front of Nos. 44-46 Rosebank Gardens, and the distance between these properties is only approximately 13m. The residential guidance states that where windows of habitable rooms face each other there should be a window-to-window distance of 21m, which is not achieved here and would result in a loss of privacy to both the existing and proposed properties"*.
- 5.49 There are two windows proposed on the elevation fronting Rosebank Gardens looking south, one serves the bedroom the other the kitchen/living area. The window serving the kitchen/living area would front the flank elevation of no. 43 Rosebank Gardens, which is some 23 metres with no windows in the flank elevation of No. 43.
- 5.50 It is acknowledged the front bedroom window faces 44-46 Rosebank Gardens, however, it is incorrect that these windows are in 'direct' alignment. Furthermore, the window in question is a secondary window serving the bedroom so could be obscure glazed (up to a height of 1.7m), which would address any issue of overlooking (that is the main bedroom window faces west with no clear line of sight to neighbouring dwellings and windows). It is also believed that the ground floor windows to 44-46 Rosebank Gardens are to kitchens and therefore serve non-habitable accommodation.

As such the proposed scheme would comply with Policy CS19 of the LPCS 2014 and paragraph 130f of the Framework 2021.

- 5.51 Moreover, on the basis of 21 metres, all the homes in Davis Avenue to north (2-26 and 1-31) would not comply with guidance as they are only 17 metres.

Parking

- 5.52 A 1no. bedroom dwelling would require a 'maximum' of 1no. car parking space. This would be provided by way of 'on street' parking provision. In this case the proposal would provide new specialised disabled housing in a sustainable location as such a disabled parking permit/bay can be applied for which would secure on street parking provision.
- 5.53 There are no local parking controls that prevent on-street parking or any evidence that existing provision is at capacity such that the inclusion of 1 additional car on-street would result in any unacceptable highway impacts arising from the scheme.
- 5.54 As such the proposal complies with Saved Policies T1 and P3 of the Local Plan (1994) and Policies CS11 and CS19 of the LPCS (2014).

Other Matters

- 5.55 The 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.
- 5.56 The 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 £250.39 per dwelling). This approach is approved by Natural England for all new residential developments.

- 5.57 The previous scheme already made payment towards the SAMMS scheme as acknowledged in the committee report where it stated at paragraph 6.26 that *“In this case a SAMMS agreement has been completed and the required contribution has been provided by the applicants to mitigate the impacts of the development and a screening for Appropriate Assessment (AA) has been undertaken.”* On the basis that the contribution was paid and not returned despite the refusal of the application, and the current scheme being identical in the provision of a single dwelling, the impact of proposed scheme have therefore already been addressed and as such the proposal complies with LPCS policy CS12 and the Framework (2021).

Conclusion

Section 6

- 6.1 The scheme seeks planning permission for the erection of 1no. 1 bed disabled bungalow and associated work on land at junction with Davis Avenue and Rosebank Gardens, Northfleet, Gravesend DA11 8RZ.
- 6.2 The LPCS was adopted in 2014 and therefore does not meet the definition of a 'recently adopted Local Plan', as set out in Footnote 40 of the Framework.
- 6.3 The Council acknowledges that they cannot demonstrate a 5-year supply of housing. Moreover, The Housing Delivery Test: 2021 measurements. (January 2022) confirms the Council's consistent under delivery over the three-year period resulting in only 57% of its housing targets being delivered (which is lower than the 2021 figure of 70% delivery).
- 6.4 In these circumstances Paragraph 11d (Framework), would apply, this sets out that local policies that would normally restrict the supply of housing would be considered out of date. The Council do not dispute this. Paragraph 11d(ii) is therefore engaged, which states that decisions should apply a presumption in favour of sustainable development.
- 6.5 The planning statement has demonstrated that the development would represent a sustainable development in terms of meeting the key themes of the Framework. The development would provide new specialised disabled housing in a sustainable location whilst respecting the existing built and natural environment. The development is located in good proximity to public transport links and local services and as such this is the kind of development which should be looked upon favourably.
- 6.6 The planning statement has identified the character of the area as containing a mix of house types and designs with detached, semi-detached two storey dwellings, and bungalows. LPCS policy CS14 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. The proposal forms a 1no. bedroom single storey detached disabled dwelling and would therefore be supported by Policy CS14 of the LPCS and this is confirmed in the Council's Committee report.

- 6.7 Policy CS15 of the LPCS seeks to achieve a minimum density for residential development in the urban area of 40 dph. In highly sustainable areas such as the appeal a higher density is acceptable. The density of the development would be 57 dph making efficient use of the land as such the proposal would comply with LPCS policy CS15.
- 6.8 The planning statement has demonstrated that whilst there has been a change to national and local plan policies since the grant of the 2004 scheme for a 2-storey detached dwelling. The context of the site has not changed, nor has the character of the immediate area. The criteria set out in those policies used in the determination of the 2004 scheme are reflected and similar to those in the current development Plan.
- 6.9 The planning statement has demonstrated that the scale and massing of a two-storey dwelling on the site was acceptable under policy TC1 of the then Gravesham Local Plan First Review. The character of the area has not changed, LPCS policy CS19 sets out similar criteria in respect of scale, massing and character etc, therefore the scale and massing of single storey dwelling is arguably considerably less prominent in the street scene.
- 6.10 The design of the dwelling is modest and not dissimilar in scale and massing to garaging within the immediate area.
- 6.11 The revised scheme complies with NDSS and addresses the Council's previous concerns with regard to the garden/amenity area which complies with Council's guidance.
- 6.12 The planning statement has demonstrated that there would be no overlooking or loss of privacy created by the dwelling to either neighbouring occupiers or future occupiers of the dwelling.