

Delegated Report

Full Planning Application

Planning Application No: 20220483

Location: 53 Kent Road Gravesend Kent DA11 0SZ

Description: Erection of a two storey rear extension & conversion to create 4no 1 bedroom flats

Applicant: Mr Taj Dhanda

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

- Application Form;
- Location Plan, Drawing no. 21098-L1;
- Existing Block Plan, Drawing no. 21098-L2 Rev A;
- Proposed Block Plan, Drawing no. 21098-L3 Rev A;
- Proposals, Drawing no. 21098-01 Rev B.

Relevant Planning History

53 Kent Road

Reference	Description	Decision	Decision Date
20020012	Erection of first floor rear extension to form an enlarged bedroom.	Approved	13.03.2002

51 Kent Road

Reference	Description	Decision	Decision Date
20050731	Conversion of property into four, one bedroom self-contained flats involving erection of first floor rear extension and construction of external staircase at rear to provide a fire escape.	Approved	16.12.2005
20020011	Erection of first floor rear extension to form an enlarged bedroom.	Approved	13.03.2002
19960769	Erection of single storey rear extension to form bedroom and shower room.	Approved	27.12.1996
19880478	Erection of single storey rear extension to form enlarged dining room	Approved	27.06.1988
19820250	Section 53 determination as to whether planning permission is required for erection of a single storey rear extension to form kitchen bathroom and	Planning Permission Not	20.05.1982

	WC	Required	
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Building
- P3 – Vehicle Parking Standards.

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.
- 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:

- i. "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Technical housing standards – nationally described space standard (2015)

Consultations, Publicity and Representations

12 surrounding properties were consulted and the consultation expired on 27.05.2022. No comments have been received.

Ward Councillor has been consulted but no formal comments have been received regarding the application.

GBC Heritage Officer

No comments received from the GBC Conservation Area advisor.

GBC Highways

No objections raised.

Officer's Analysis

The application site is located within an urban area where the principle of development is acceptable providing it meets the criteria of the Policies listed above. The issues under consideration are listed below;

- Principle of development;
- Design, character and appearance;
- Amenity of Future Occupiers and Neighbouring Amenity;
- Parking and highway safety; and
- Ecology and Biodiversity

Principle of Development

The application site comprises of a two storey semi-detached building with roof level accommodation. There is a small front garden which has been overlaid with hardstanding and the site could potentially accommodate up to two parked cars along the flank wall of the host property.

The existing floor plans are not clear in the number of bedrooms, or habitable room, but the current proposal seeks to further extend the property and convert the existing dwelling into four 1bed units. An external staircase has also been introduced into the design of the scheme.

The site is in the urban area and Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) states that the strategy prioritises development in the urban area as a sustainable location for development.

Policy CS14 (LPCS) states that the Council will protect the mix of housing in the existing housing stock and will resist the conversion of family sized residential units to smaller properties. The preamble states that family accommodation is taken to be homes with two or more bedrooms.

It is expected that the host property is a 3bed/4bed dwelling which constitutes a family sized residential unit. As such, the proposal to convert the dwelling to four flats would result in the loss of a family sized unit which would be contrary to Policy CS14 (LPCS) which seeks to resist such development in order to retain much needed family sized housing in the Borough.

Saved Policy H5 of the Gravesham Local Plan First Review (LPFR) states that buildings proposed to be converted shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy; shall be of such a size and arrangement as to be generally unsuitable for single family occupation, shall have regard to the Council's Residential Layout Guidelines and achieve the adopted Vehicle Parking Standards wherever feasible.

The surrounding area primarily comprises of single occupancy residential dwellings. Notwithstanding this, there are a handful of properties that have been extended to accommodate residential conversions into flats, namely no. 16 & 51 Kent Road. The latter property is the adjoining property to the application site, which has also been extended at ground and first floor (at the rear) to accommodate a 4bed conversion to flats, subject of permission ref 20050731.

While the planning history at the adjacent site is a material planning consideration, the adjacent property was granted consent prior to the adopted Gravesham LPCS (2014). Furthermore as stated the dwelling is considered to be of a size and arrangement to be suitable for family sized accommodation. The preamble to saved Policy H5 (LPFR) states that in general terms it will be assumed that buildings that are not more than two storeys and not more than six habitable rooms would be suitable for continued family occupation. As the floor plans provided do not make it explicit in terms of the number of habitable rooms, the LPA acknowledge the dwelling is a large family sized dwelling (partly due to the previous extensions) and there is potentially more than 6 habitable rooms (with roof level accommodation providing only a single room). Although the dwelling is approximately over 0.5 km from the town centre and considered the dwelling would be suitable for family accommodation given the site's proximity to a Cricket Club, Mayfield Grammar School, Woodlands Park and Windmill Gardens.

The matters of the assessment of the proposal in relation to the Council's Residential Layout Guidelines and parking will be dealt with separately in this report below.

In light of the above, the proposal would fail to protect the mix of housing in the Borough as it would result in the loss of a family sized residential unit, for which there is a need for such sized housing in the Borough. As such, the proposal is contrary to Policy CS14 (LPCS) and saved Policy H5 (LPFR).

Design, Character and Appearance

As noted above, the planning history indicates that a first floor extension has been approved at the site, and the adjoining property at no. 51 Kent Road has also had significant extensions to accommodate a conversion into flats.

In terms of the proposed ground and first floor extensions, each being respectively 14.85 metres and 10.2 metres in depth. Each of the extensions might be deemed excessive in depth, however, the depth of both the ground and first floor properties are both flush with no. 51's extensions. An external staircase is proposed to the rear, but would largely be hidden from public view given the quantum of development within the surrounding area, it is not considered that an external staircase would warrant refusal, despite adding more visual clutter to the rear of the property.

It is noted that the site is near the Darnley Road Conservation Area to the site, however, numerous properties on the southern side of Kent Road have been extended to significant degrees at the rear. Therefore, as a result, extending the property so that it becomes consistent with the adjoining property

would not be considered out of character within the immediate locality, or cause significant harm to the nearby Conservation Area.

The proposal is not considered contrary with Policies CS19 or CS20 (LPCS).

Amenity of Future Occupiers and Neighbouring Amenity

Policy CS19 (LPCS) states that new development will be fit for purpose and will be located, designed and constructed to safeguard the amenity of its occupants and those of neighbouring properties and land.

The extensions proposed to the rear would facilitate the conversion of the single dwelling into flatted accommodation units. A breakdown of the gross internal floor area and the private amenity space has been accounted for below;

Flat 1 – 42.4 sq.m (G.I.A) / 7 sq.m (private amenity)

Flat 2 – 32.4 sq.m (G.I.A) / 8 sq.m (private amenity)

Flat 3 – 50.3 sq.m (G.I.A) / 0 sq.m (private amenity)

Flat 4 – 32.1 sq.m (G.I.A) / 0 sq.m (private amenity)

The Technical Housing Standards – Nationally Described Standard (2015) sets out that for a 1bed, 1 person occupancy, a single storey unit should have a minimum gross internal floor area of 37 sq.m where there is shower room to be installed. For a 1bed, 1 person occupancy, two storey unit, a minimum gross internal floor area of 58sq.m is required.

Evidently, the proposed flats fails to meet the guidelines as set out in the Nationally Described Standards (2015) and, therefore, the LPA considers the proposed units would be significantly undersized.

In terms of private amenity space, the overall layout of the site is incongruous. The drive leading from Kent Road would appear to be used to accommodate more parking to the rear and, in turn, reduce the overall quantum of private amenity space. Moreover, the quality of private amenity areas proposed would be comprised by the car usage and would ultimately fail to any real usable private space.

In terms of overbearing, over dominant impact to the non-adjoining adjacent property at not. 55, the extended rear additions proposed would be over 6 metres from the neighbouring sites own two storey rear addition. Although, the extensions proposed are not considered to create significant harm to no. 51 Kent Road, given that the proposed extensions would match the depths of the adjoining property.

Notwithstanding the above, no. 55 Kent Road's rear addition has a ground floor window/door facing the application site, situated in the rear addition. Both the proposed ground floor/first flats situated to the rear of the site, would have a bedroom window facing no. 55 Kent Road. Therefore, in terms of privacy, the ground/first floor flats are considered to compromised and further harms to the neighbouring site. The ground floor flat is also further compromised by passing vehicles from the neighbouring vehicles.

The conversion of the single dwelling into four flats would increased the quantum of residential activity at the site. The proposal would result in a contrived site layout with limited space allocated for private amenity and due to the more parking activity proposed in the rear garden would harm the residential amenity of existing and future occupiers at no. 55 Kent Road. The rear garden at no. 51 Kent Road, seems to have already been used for parking purposes and, therefore, the impact to these neighbours are not considered significant.

Therefore, in respect of the amenity of future occupiers however, it is considered that the proposal by virtue of undersized internal floor area would provide poor living conditions for future occupiers of the flats that would be harmful to their amenity. Also, the bedrooms situated in the rear addition at ground and first floor would directly face the rear addition at no. 55 Kent Road and as the ground floor addition

at the neighbouring site also has a window facing the application site, it is considered that the application site would both harm neighbouring amenity and future occupants would experience a loss of privacy. As such, the proposal would be contrary to paragraph 130 of the NPPF (2021) Policy CS19 (LPCS) .

Parking and Highway Safety

The application form states that a total of 6 cycle spaces are proposed, with a net loss of one parking space and total car parking space of 2 spaces. The proposed plans are not clear how or where these spaces would be allocated at the site, although, given spaces are propose to the rear of the site it appears more spaces might be allocated.

In any case, the Council's GBC Highways Officer has been consulted on the application and has reservations about the development. Notwithstanding his reservations, ultimately he maintained that a refusal on Highways grounds could not be substantiated.

Thus, it is considered acceptable in relation to adopted SPG4: Kent Vehicle Parking Standards. As such the proposal is considered compliant with saved Policy P3 (LPFR).

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 £283.53 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 £253.83 for the net addition of 3 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.)

Conclusion & Recommendation

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

The proposal would have the benefit of providing a net addition of 3 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 proposal would fail to protect the mix of housing in the Borough as it would result in the loss of a family sized residential unit, for which there is a need for such sized housing, would provide unacceptable living conditions, an impact to neighbouring amenity and a poor standard of amenity for future occupiers. The proposal would potentially have significant adverse effects on the North Kent Marshes SPA/Ramsar site.

As such, the proposal is contrary to Policies CS12, CS14 and CS19 (LPCS) and saved Policy H5 (LPFR).

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	23rd June 2022	Dated:	28th June 2022