



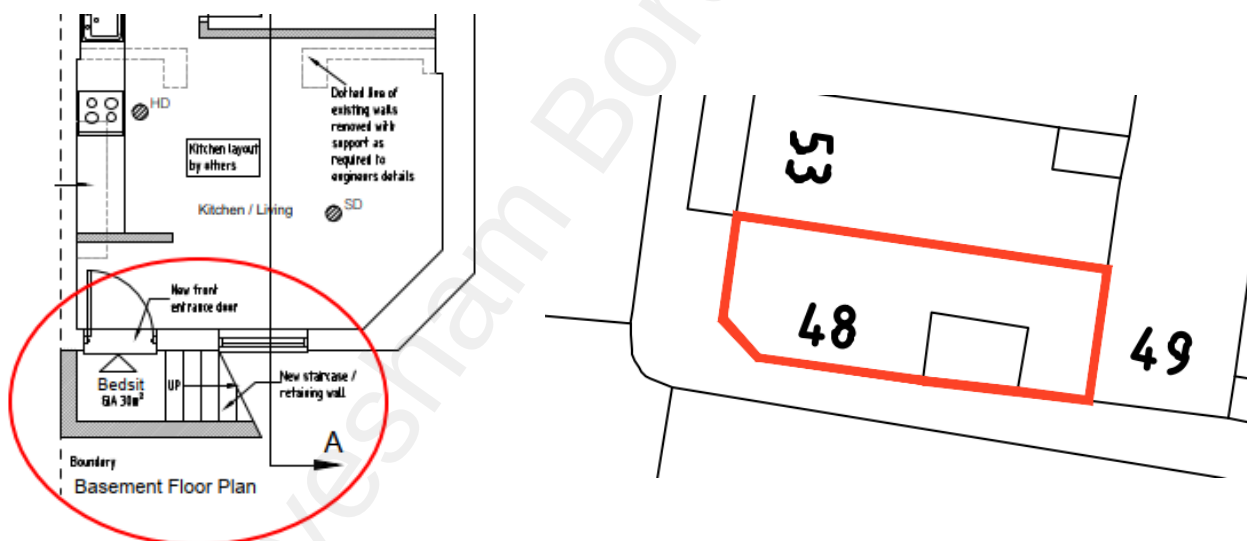
Delegated Report

Householder Planning Application

Application No:	20211557
Location:	Harmeet Beauty Salon, 48 Arthur Street, Gravesend, Kent, DA11 0PR
Description:	Erection of a two storey rear extension to form 1no. bedsit and a two bedroom self-contained flat.
Applicant:	Mr Tony Panaser
Site Visit:	12 th July 2022

Procedural Note

The application proposes the creation of a stepped access down to the bedsit in the basement, however the site location plan does not include this area within the redline. The redline location plan should include all land necessary to carry out the proposed development.



If permission was likely to be forthcoming, the agent would have been contacted regarding this procedural error and the matter would have been rectified.

Submitted Documents/Plans

Application Form - dated 20/12/2021;
Planning & Design and Access Statement;
Drawing no. 2021-283 - 001 - Site Location Plan (scale - 1:1250);
Drawing no. 2021-283 - 002 - Existing Floor Plans, Elevations and Section;
Drawing no. 2021-283 - 003 - Proposed Floor Plans and Section;
Drawing no. 2021-283 - 004 - Proposed Elevations;
Drawing no. 2021-283 - 005 - Existing Block Plan (scale - 1:500);
Drawing no. 2021-283 - 006 - Proposed Block Plan (scale - 1:500).

Relevant Planning History

Reference	Description	Decision	Decision Date
20061113	Conversion of part of ground floor from residential to provide additional retail area involving alterations to existing first floor flat.	PERMITTED	21.02.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale and Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development and Design Principles

Gravesham Local Plan: First Review (1994)

- 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)

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

External Consultees

Natural England - Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution, which we consider to be ecologically sound.

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

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

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

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

[Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

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

Local Ward Councillors – concerns regarding overdevelopment, density, car parking and impact on the neighbourhood.

Neighbouring properties

Fourteen surrounding properties were consulted and no representations were received. The consultation period expired 13th June 2022.

Officer's Analysis

Site Description

48 Arthur St is a two storey, end of terrace property located on the corner of Arthur St and Cutmore St. The property is mixed use, with a beauty salon on ground floor and residential accommodation above, with the basement level used for storage.



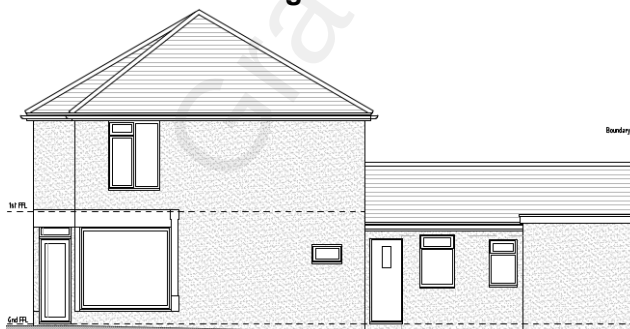
Development Proposal

This application proposes a first floor rear extension above the single storey rear projection and the conversion of the basement into a bedsit. The extension will create additional space for the existing first floor unit. It will have a greater width than the existing projection and will create an enclosed courtyard space below the first floor extension. The dimensions are as follows:

- Depth - 6.25m
- Width - 4.82m
- Height (max) - 6.65m
- Height (eave) - 5.05m

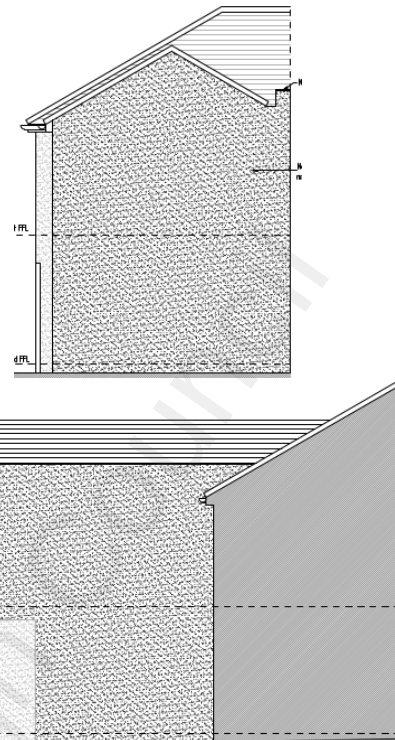
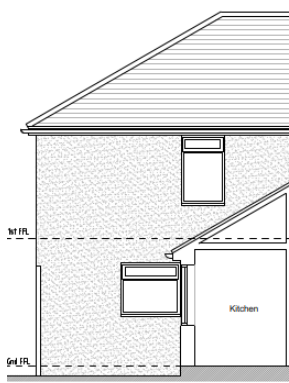
The extension will connect with the adjoining property at the rear. It has been designed with subservience and is set-down from the ridge of the property. There will be a new flank window installed at first floor on the southern elevation, with two south facing windows at both first and ground floor on the extension. There will be one new light well created to provide light into the bedroom of the basement flat, with steps down to access the unit at the front of the property. The lightwell and ground floor flank elevation windows are located below the first rear extension.

Existing Elevations



Proposed Elevations





Housing Need

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 Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2021). 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 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- 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 68); 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.

The proposed development for a net increase of '1' residential units would offer a minimal but important contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Principle of Development

The site is defined on the Policies Map of the Gravesham Local Plan Core Strategy (the Core Strategy) as lying within the urban boundary of Gravesend, Northfleet and Ebbsfleet. Therefore, the site is within the urban area of Gravesend and Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy, which will be assessed in later sections of this report.

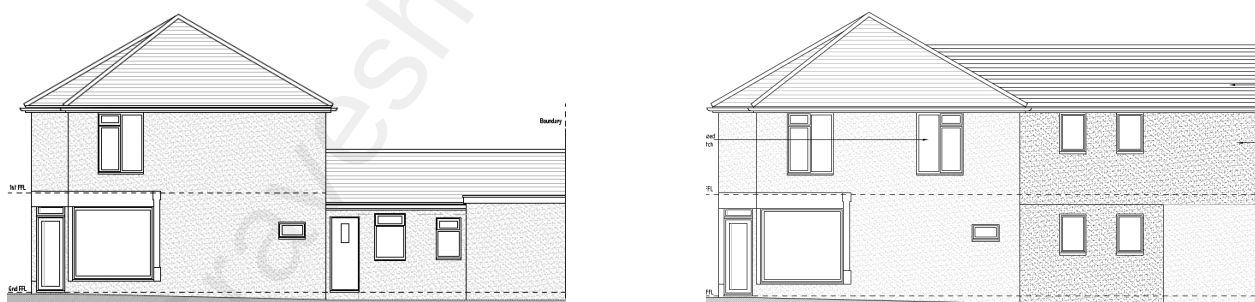
The principle considerations in the assessment of this application are:

- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The extension proposed will not change the overall depth of the existing single storey rear projection, but will notably increase the bulk and massing by creating a first floor which increase the height and width, as well as changing its roof form (see screenshot below):



Gravesham's Design Guidance SPD (2021) addresses two storey/first floor rear extensions, stating that "extensions to extensions will generally not be supported" and that care must be taken to ensure "the extension does not dominate the original property", which "can cause the site to appear overdeveloped, and cause long dark internal spaces". In this case, the extension to the outrigger dominates the original property, is a disproportionate addition that extends an existing extension and as aforementioned results in an overdeveloped appearance. Moreover, the extension will connect with the property at the rear (no. 49 Arthur St) and will have a terracing effect. The extension will close an established gap within the street scene, which is considered poor design and harmful to the character of the area. This gap is replication on the property location on the opposite corner, known as The Cricketers Public House and show in the image below;



The proposal is also creating an undercroft area below the proposed first floor extension which is considered poor design and will appear as an incongruous addition.

Therefore, the proposed rear extension is contrary to Gravesham's Design Guidance SPD and is poor design that would have a detrimental impact on the street scene. The proposed development is contrary to Policy CS19 (LPCS) and Section 12 (Achieving well-designed places) of the NPPF (2021).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (basement)	1 (1 person)	37m ²	30m ²
2 (first floor)	2 (4 person)	70m ²	64m ²

Table 1 - Unit Floor Area Breakdown

As shown in Table 1, if the flats are assessed at maximum capacity, both units would fail to comply with the recommendations within the National Space Standards. Therefore, the units would provide poor quality accommodation and represents overdevelopment of the site failing to safeguard the amenity of future occupiers. However, Gravesham's RLG breaks down the Council's individual requirements for certain rooms, these have been formulated into a table to compare with the floor area of rooms within the three proposed flats.

	Gravesham RLG (2020)	Bedsit (basement)	Flat 1 (first floor)
Kitchen/Living/Diner	25.2m ²	17.86m ²	17.7m ²
Bedroom (double)	11.2m ²	8.85m ²	15.65m ²
Bathroom & w.c.	3.5m ²	3.05m ²	4m ²

Table 2 - Flat Floor Area Breakdown

Table 2 has been colour coded (green complies, red fails) to show which rooms within each flat meet the guidance within the RLG. Although there is no figure provided within the RLG for a combined kitchen/living/diner, this was calculated by adding the minimum living/diner (18m²) with the minimum kitchen (7.2m²). Moreover, there is no annotation on the plans for the bedsit to indicate whether the bedroom would be a single or double room, as such it is assumed that it would be used as a double bedroom. The table demonstrates that the majority of rooms fail to comply with recommendations and will provide poor quality living conditions for future occupiers, with the exception of the bedrooms and bathroom of Flat 1. Therefore, the proposed development is considered to provide cramped and poor quality living environment for future occupiers by virtue of substandard room sizes.

Notwithstanding the substandard floor area and room sizes of the basement flat, there are concerns with the usable area of the being further reduced by a lack of ceiling height. The National Housing Standards require a floor to ceiling height of at least 2.3m, in order to be classed as useable floor area. A section plan has been submitted which shows that the ceiling height of the basement flat is 1.82m. Therefore, by virtue of low ceiling height and cramped rooms, the basement flat provides poor quality amenity for future occupiers, which is harmful to their amenity and represents overdevelopment of the site.

There are also concerns with the quantity of natural light that the occupants of the basement flat would receive. The plans show that there will be the door and existing window to the front serving the living space, and a single light well at the rear serving the bedroom. The light well will be located within the courtyard area, which is an undercroft area covered by the extension above. Therefore, the bedroom is expected to receive poor levels of natural light, will be a gloomy poor quality environment and detrimental to the amenity of future occupiers. The kitchen will have very little natural light, and the bathroom has no natural light or ventilation. Gravesham's RLG states that no unit of accommodation should be wholly below ground level for the reasons of lack of natural light and ventilation being harmful to amenity.

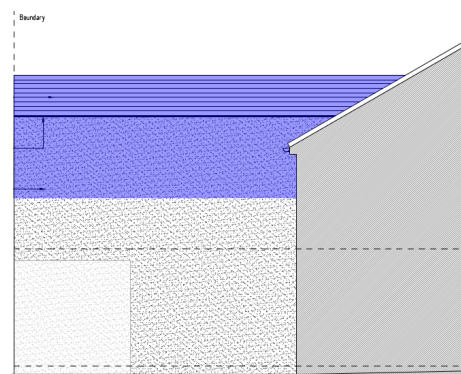
In addition, there is no amenity space provided for either unit of accommodation provided. The RLG states that for communal flats there should be a minimum of 10m² of amenity space per unit. The small courtyard area is used as a bin store, and would not be considered amenity space or an area in which occupier would be able to enjoy. Therefore, the proposal represents a cramped form of development that fails to safeguard the amenity of future occupiers.

In summary, the proposal is cramped and overdevelopment of the site that would provide poor living conditions to the future occupiers of the development and would cause material harm to their amenity. As such, the proposal is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF.

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 127 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

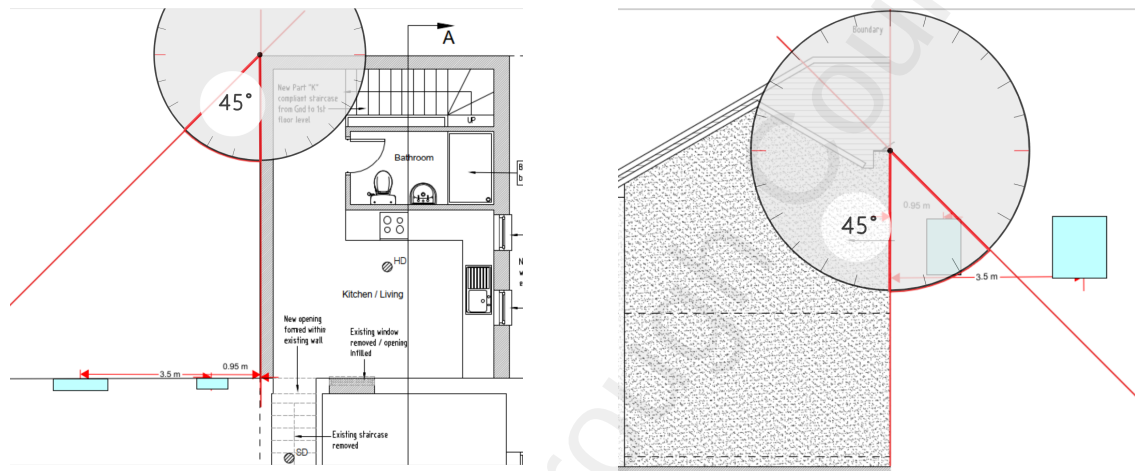
The proposed development is not considered to impact neighbouring amenity in terms of loss of privacy. However, the first floor rear extension is an unneighbourly form of development. The immediate neighbour (no.53 Cutmore St) is located to the north of the application site and has two rear windows at first floor serving the landing and a bedroom. The proposed extension will extend by 6.25m from the rear wall of the neighbours property, which results in a blank brick wall at a height of 6.65m (see annotated drawing from the perspective of no.53 Cutmore St).



The rear bedroom window will look out directly onto the large blank wall and the shared amenity space of the neighbour will feel enclosed by the oppressive extension, which is built up to the site boundary. The Design Guidance SPD highlights that two storey rear extensions that are built up to shared boundaries with

neighbours' gardens/properties can have very significant impact on amenity. The impact of the extension would be that it creates an unacceptable sense of enclosure and is harmful to outlook, but will also result in a loss of light.

Due to the orientation of the properties and the application site being immediately south of the neighbour, the extension would likely overshadow the neighbour to the detriment of their amenity. The closest window on the neighbouring property serves the stairs and landing (0.95m), with the bedroom window located further from the extension (3.5m). The BRE daylight and sunlight assessment states that a 45° measurement should be taken from plan and elevation drawings, if the 45° line intersects the middle point of the window it would result in unacceptable levels of overshadowing. The tests undertaken are shown below:



Although the extension fails the 45° rule on the plan form, it would only overshadow the landing window on elevation form. A landing or hallway is not a habitable room and would not be sufficient grounds to refuse the application. However, as aforementioned in the design section, the extension would have a terracing effect by joining to the property at the rear and would overshadow all of the remaining amenity space of the neighbour. When considered along with the overshadowing to the landing window would be considered harmful to amenity and sufficient ground to refuse the application by virtue of loss of light.

Overall, the proposed extension is an unneighbourly form of development, which by virtue of its height and depth on the shared boundary is oppressive and creates an unacceptable sense of enclosure, ruins outlook and causes overshadowing. As such, the development is harmful to the amenity of the adjoining neighbour and is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF.

Parking and Highways

The site is in a central location in the town where public transport links are good and there are sufficient parking restrictions in the locality and public car parks available nearby. Therefore, the provision of no on site parking is not considered to be a reason to refuse the application.

However, the development will not provide any cycle storage spaces. Gravesham's adopted parking standards (SPG 4) (2006) require 1 cycle space to be provided per unit of accommodation, which in this case would increase with the retail use at the property. As such it would be expected that a minimum of three cycle spaces are provided, and therefore there is an under provision of cycle spaces contrary to the guidance in SPG4 (2006).

Any Other Material Planning Considerations

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The proposal shows a number of wheelie bins in the courtyard space, which would be moved out onto the street on collection day. If the Local Planning Authority were minded to support the application a condition would be attached to ensure that an appropriate mix of bins would be provided on site.

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £ 275.88 per new dwelling unit.

The applicant has failed to pay SAMMS Mitigation Contribution Agreement for 1 additional residential unit (£275.88) and therefore fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

Firstly, the proposed extension dominates the original property, is a disproportionate addition that extends an existing extension and results in an overdeveloped appearance. Moreover, the extension will have a terracing effect by connecting to the neighbouring property at the rear, which closes an established gap within the street scene and is poor design that is harmful to the character of the street scene. The development is therefore contrary to Gravesham's Design Guidance SPD (2021), as well as Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).

Secondly, the proposed development fails to safeguard the amenity of future occupiers, by virtue of providing cramped and undersized units with substandard rooms, poor level of natural light and no amenity space. As such, the proposal is considered overdevelopment of the site, which provides a poor quality living environment to the detriment of amenity of future occupiers, contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).

Thirdly, the proposed extension to the property is an unneighbourly form of development that would result in material harm to the amenity of adjoining occupiers, which by virtue of its height and depth on the shared boundary is oppressive and creates an unacceptable sense of enclosure, ruins outlook and causes overshadowing. As such, the development is harmful to the amenity of the adjoining neighbour and is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).

Fourthly, the proposal fails to provide sufficient cycle storage to accord with Kent County Council's Vehicle Parking Standards (2006). Therefore the development is contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (September 2014), saved Policy P3 (Vehicle Parking Standards) of the Gravesham Local Plan First Review (1994) and the KCC adopted Vehicle Parking Standards (SPG4) which seek to ensure that adequate cycle parking is available on site.

Lastly, The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations, Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (2014).

As such, it is recommended that planning permission is refused.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13 th July 2022	Dated:	13 July 2022