



Delegated Report

Planning Application

Application No:	20240295
Location:	153 Beaumont Drive, Northfleet, Gravesend, Kent, DA11 9NY
Description:	Erection of a two storey side extension, conversion of the property into a 3 bedroom house and 2 bedroom house with associated parking and gardens and demolish the garage to the rear to increase the garden space for two dwellings.
Applicant:	Mr Jasbir Singh Binning
Site Visit:	30 May 2024

Submitted Documents/Plans

- Application Form – dated 13 March 2024;
- Design and Access Statement – dated January 2024;
- Supplementary Information – Aerial Image;
- Supplementary Information – Front Elevation Image;
- Supplementary Information – Side Elevation Image;
- Drawing no. DKM/7733/01 – Rev.0 – Site Location Plan (scale – 1:1250);
- Drawing no. DKM/7733/02 – Rev.0 – Existing Block Plan;
- Drawing no. DKM/7733/03 – Rev.1 – Proposed Block Plan;
- Drawing no. DKM/7733/04 – Rev.2 – Existing Plans and Elevations;
- Drawing no. DKM/7733/05 – Rev.3 – Proposed Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
19910345	Erection of single storey rear extension to form dining room.	PERMITTED	14.06.1991
19910081	Erection of two storey side extension to form living room, enlarged kitchen with two bedrooms over, erection of detached garage at the rear.	PERMITTED	11.04.1991
19840585	Erection of single storey side extension to form toilet accommodation	PERMITTED	14.08.1984
19840438	Section 53 determination as to whether planning permission is required for erection of a single storey extension at side to form wc	CERTIFICATE REFUSED	11.06.1984

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving Well-Designed and Beautiful Places
- 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

Internal Consultees

Local Ward Councillors – No comment received.

Neighbouring properties

Seven surrounding properties were consulted and no representations were received. The consultation period expired 14 May 2024.

Officer's Analysis

Site Description

153 Beaumont Drive is a two storey semi-detached property located on the western side of the highway. The property is located on a corner and has previously been extended by two storey at the side and single storey at the rear.



The property benefits from a large driveway to the front.

Proposed Development

This application seeks planning permission for the erection of a further two storey side extension and the subdivision of the building into two dwellings. The subdivided building would create one 3no bedroom dwelling and one 2no bedroom dwelling.

The proposed extension would be set down from the existing height of the property, it would step down closer to the shared boundary with no.155 Beaumont Drive and have a staggered depth. The dimensions of the extension are as follows:

- Depth
(maximum) – 4.9m
(minimum) – 3m
- Width – 2.7m
- Height
(maximum) – 6.95m
(minimum) – 6.25m

- Eaves – 5.3m

The screenshots below demonstrate the proposed extension (highlighted in red):



Principle of Development

The application site is located within Northfleet and within the wider urban area. Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) seeks to retain and improve the existing stock of housing and prioritises development in the urban area as a sustainable location.

The principle issues for consideration with this application are as follows:

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

Housing Need

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

point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

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

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

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). 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)
- 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 contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) 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.

Subdivision of Dwelling

Adopted Policy C14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF, it also stipulates 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.

Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller households with a mix of housing provided within the borough. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy. A larger house under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.

The application property is a five bedroom dwelling, which is large, but suitable for single family occupation. However this is due to the two storey side extension at the property. The property was originally a 3 bedroom dwelling but extended to create a larger family home. This application will extend the property further in order to facilitate its subdivision. The existing property is located within a residential area, benefits from a driveway, with a good sized garden and would constitute a good environment for a family. Therefore, due to the property being suitable for single family occupation, falling below the 6 habitable bedroom threshold, and with larger dwellings being required within the housing mix of the borough, the proposed subdivision into two smaller units is contrary to Policy CS14 (LPCS) and saved policy H5 (LPFR).

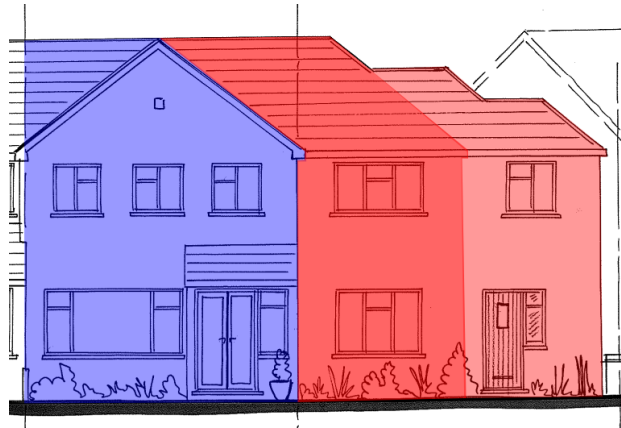
Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the character of the area and other surrounding dwellings should be considered. The SPD (2021) does address two storey side extension, highlighting that they can have a significant impact on the appearance of the street scene, stating the following design considerations:

- Should be subservient and subordinate to the host building (in both height and building line);
- Should not be greater than half the width of the original dwelling;
- Should not close established gaps between properties;
- Should retain a minimum 1m gap between flank wall and boundary;
- Should incorporate roof designs to reflect dwelling;
- Should respond to the pattern of windows on host dwelling;
- Should use matching materials.

The proposed extension in isolation is subservient and subordinate to the host dwelling, set-down from the ridge of the existing side extension and set-back from the main building line. However, this property has already been extended to the side, and the proposal is an extension on an existing extension. Together the cumulative extensions would exceed the width of the original dwelling by more than 50% as demonstrated by the image below (extensions highlighted in red) and would be overdevelopment of the property to the detriment of its original character.



The staggered roof height and stepped depth extension are evidence of the proposal being crammed into the site and serve to demonstrate overdevelopment. The variation in the heights of the roof do not respond to the character of the host dwelling and would have a contrived appearance to the detriment of its original character.

Furthermore, the extension would be within 0.4m of the shared boundary and 0.65m of the flank wall of no.155 Beaumont Drive. It is noted that the existing extension and the two storey side extension to no.155 Beaumont Drive have somewhat enclosed an established and pre-planned gap between dwellings, however the further extension hereby proposed would erode any visible gap between the properties and disrupt the pattern and rhythm of development within the street scene. Therefore, the cumulative extensions are considered to dominate the original dwelling and cause harm to the character and appearance of the street scene contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Overall, the proposed extensions are poor design and overdevelopment of the site to the detriment of the original character of the host dwelling and disrupt the pattern of development within the street scene by closing the gap between properties and would cause harm to the appearance of the street scene. Therefore, the development is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

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.

The Nationally Described Space Standards (2015) sets out minimum gross floor areas for a three storey, four-bedroom dwelling. These figures vary depending on the number of persons occupying the dwelling. In this case the plans demonstrate that properties would be three bedroom and two bedroom respectively. It is not clear from the plans how many bed spaces would be provided in each room, as such the properties have been assessed on a maximum, based on approximate floor sizes of the rooms:

Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
3 (5 person)	93m ²	104.3m ²
2 (3 person)	70m ²	69.6m ²

The table above shows that the 3 bedroom property complies with the NDSS, but the 2 bedroom unit is marginally below standards. Given that this measurement is only 0.4m² below the requirement, this could be a measurement issue on hand-drawn plans and therefore is not considered to be detrimental to the amenity of future occupiers.

Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the dwellings.

Three Bedroom Dwelling

	RLG (minimum floor area)	Proposed Room Size
Living/Diner	18m ²	26.5m ²
Kitchen / Snug Lounge	20.4m ²	14.65m ²
Utility	-	3.3m ²
wc (ground floor)	1.3m ²	2.65m ²
Double Bedroom	11.5m ²	14m ²
		10.8m ²
Single Bedroom	7.5m ²	5.6m ²
Bathroom	3.6m ²	4.2m ²

The table above has been colour coded (green complies, red fails) to show which rooms within property meet the guidance within the RLG. The table demonstrates that a number of rooms within the dwelling would fail to comply with the minimum floor area recommendations, including two bedrooms. These rooms fall substantially below the RLG minimum standards and therefore would not be suitable for future occupiers. As such, the subdivision of the building would fail to safeguard amenity by virtue of providing undersized rooms contrary to local guidance.

The three bedroom dwelling would have a garden area of 37m² (depth of 7.9m). The RLG states that a three bedroom property should have a minimum garden area of 60m² and depth of 10m, and therefore the garden falls significantly below and would be a cramped space for a three bedroom dwelling contrary to guidance.

Two Bedroom Dwelling

	RLG (minimum floor area)	Proposed Room Size
Kitchen/Living/Diner	25.2m ²	25.15m ²
wc (including utility)	1.3m ²	2.25m ²
Double Bedroom	11.5m ²	13.2m ²
Single Bedroom	7.5m ²	9.65m ²
Bathroom	3.6m ²	3.4m ²

The table above demonstrates that all rooms within the two bedroom dwelling would accord with the RLG, with the exceptions of the kitchen/living/diner which falls below the minimum floor area by 0.05m². Although measuring under the minimum, this discrepancy is considered to be minor and given that the plans are hand drawn is within a reasonable margin. Therefore, on balance, the proposed two bedroom dwelling would provide an acceptable internal living environment for future occupiers.

The two bedroom dwelling would have a garden area of 57m² (overall depth of 18m). The RLG states that a two bedroom property should have a minimum garden area of 37.2m² and depth of 7.6m, and therefore the

garden, according to the guidance, would provide acceptable amenity space for future occupiers. However the garden space is convoluted, with a small patio area to the rear and a narrow path to a lawn area at the back of the site. This contrived layout makes the garden area impractical, and although the garden exceeds the minimum size of the RLG it is an suitable space that would provide poor amenity for future occupiers, in terms of adequate space for provision of outside storage, leisure use, clothes drying and play space. Therefore, the two bedroom dwelling does not provide a good quality, usable garden for future occupiers.

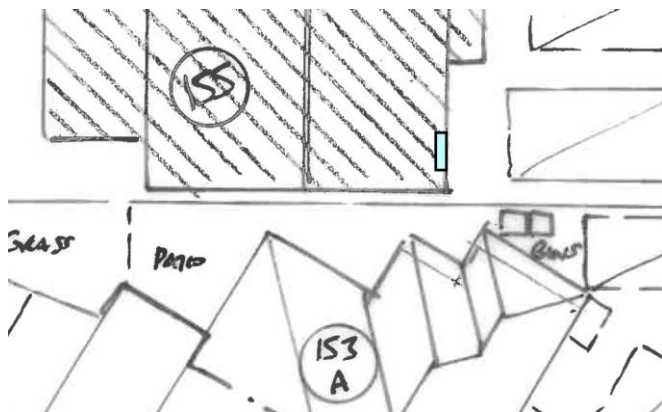
Conclusion on Future Occupier Amenity

The proposed development fails to provide acceptable amenity for future occupiers, through undersized internal and external living accommodation contrary to local and national residential layout guidelines. Therefore, the extension and subdivision of the property into two separate dwellings is considered to be overdevelopment of the site, a cramped form of development and is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

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 135 of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The proposed development would extend to the side, moving the flank wall closer to the shared boundary with no.155 Beaumont Drive. The neighbour has no flank windows that would be affected by the extension. However the extension would be set-forward of, and within close proximity of the front windows (ground and first floor). Therefore the extension would be directly visible from the window and would have an impact on amenity through outlook and sense of enclosure (as demonstrated in the image below):



Although the extension is subservient to the main ridge, the eaves will match the existing dwelling and would be within 0.65m of the habitable window, with the flank elevation of the extension starting at the front corner of the neighbouring property. Therefore, it is considered to have an oppressive impact on amenity and is an unneighbourly form of development.

There would be no overlooking impact from the new rear window in the extension, which faces the flank wall of the neighbour and serves a bathroom, which would be conditioned to be obscure glazed if permission were forthcoming.

The subdivision of the property into two units is not expected to cause any significant noise impacts for neighbouring properties. Even though the use of the site would intensify, the area is characterised by residential single family dwellinghouses and the proposal would be within this character.

Overall, the proposal is considered to be an unneighbourly form of development which has a harmful impact on the habitable window of the adjoining property in terms of loss of outlook and sense of enclosure

by virtue of proximity and being forward of the window. Therefore, the extension fails to safeguard neighbour amenity contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

Any new development should have an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 9 of the NPPF (2023).

The proposed dwellings would each have a driveway, with two vehicle spaces marked on the plans. The parking provided for the dwellings is in accordance with Gravesham's adopted parking standards (SPG4) (2006), which seek 2 spaces for a 2 or 3 bedroom property.

In addition, as the development would not result in any uplift in bedroom numbers above the existing property the number of cars on the site is not expected to change. As such, the proposed subdivision of the property is not expected to increase vehicular movements within the area significantly or impact on the highway network.

Therefore, the impact on the highways network and traffic generation are low and the proposal is in accordance with Policy CS11 (Transport) (LPCS).

Any Other Material Planning Considerations

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

The plans demarcate a bin store for the two bedroom dwelling, located to the side of the building, but not for the three bedroom unit. However, there is adequate space to the front of the building to accommodate bins, which would be dragged by occupiers to the edge of the highway on collection days. Therefore, if permission were forthcoming, planning conditions could address any concerns with refuse or bins.

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

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 £328.27.

The applicant has paid the SAMMS Mitigation Contribution Agreement and therefore fails to meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 185 and 187) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Conclusion

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

The proposal seeks to extend and subdivide a five bedroom dwelling, which is suitable for single family occupation and important within the housing mix of the borough and is therefore contrary to the objectives of saved policy H5 of the Local Plan First Review (1994) and Policy CS14 of the Gravesham Local Plan Core Strategy (2014).

The proposed extensions are contrived, poorly designed and overdevelopment of the site to the detriment of the original character of the host dwelling and disrupt the pattern of development within the street scene by closing the gap between properties which would cause harm to the appearance of the street scene. Therefore, the development is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

The proposed development fails to provide acceptable amenity for future occupiers, through undersized internal and external living accommodation contrary to local and national residential layout guidelines. Therefore, the extension and subdivision of the property into two separate dwellings is considered to be overdevelopment of the site, a cramped form of development and is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

The proposed extension is an unneighbourly form of development which has a harmful impact on the habitable window of the adjoining property in terms of loss of outlook and sense of enclosure by virtue of proximity and being set forward of the window. Therefore, the extension fails to safeguard neighbour amenity contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

Lastly, the development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Therefore, 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:	
Signed:		Signed:	
Dated:	4 th June 2024	Dated:	