



Delegated Report

Householder Planning Application

Planning Application No: 20221008

Location: 19 Malvina Avenue Gravesend Kent DA12 5AP

Description: Retention of roof and rear dormer to allow loft conversion to be used as habitable rooms, addition of Juliet balcony to rear dormer and additional roof light to the front elevation.

Applicant: Mr Muhammad Sumon

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

- Application Form
- Drawing No: MA-001-200 REV P9 (Site Location Map, Proposed Plans and Elevations)
- Drawing No: MA-001-201 (Existing and Proposed Block Plans)
- Drawing No: MA-001-220 (Existing and Proposed Streetscene)
- Drawing No: MA-001-500 (Existing Floor Plans and Elevations)
- ~~Drawing No: MA-001-200 (Site Location Map, Proposed Plans and Elevations)~~

Relevant Planning History

Reference	Description	Outcome	Decision Date
20200613	Proposed increase in roof height with insertion of rear dormer to allow loft conversion to be used as habitable rooms. A single storey front extension and new flank windows at ground floor. Insertion of Juliet balconies at first and second floor to rear.	Refused	26.08.2020
20210036	Proposed increase in roof height with insertion of rear dormer to allow loft conversion to be used as habitable rooms. A single storey front extension and new flank windows at ground floor.	Permitted	15.04.2021
19990263	Conversion of integral garage into a kitchen.	Permitted	26.05.1999

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Paragraph 33 of the NPPF (2019) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2019), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Neighbouring properties

The application was advertised by way of letter to Six surrounding properties with one supporting comment and one objection. The consultation period expired 6th October 2022.

The main points raised in the objections were:

- The applicant has breached planning on a number of fronts
- The inclusion of the refused Juliet balcony with floor to ceiling doors and windows
- An extra floor to ceiling window panel at dormer level
- A larger opening window in the bathroom at dormer level
- Concerns relating to safety and privacy
- Size of the doors/windows at dormer level which give extensive views of neighbouring properties
- Doors/windows at dormer level have been extended to include and an extra fixed panel
- The two fixed panels to be made permanently obscure to at least privacy level 3 which would help protect neighbours and the applicant's privacy in the bedroom
- Bathroom at dormer level should have had only one top opener and that the large window is meant to be permanently fixed

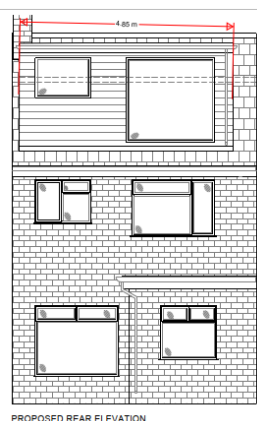
Analysis

Proposal

This retrospective application seeks to remedy the unauthorised installation of a Juliet balcony in the rear dormer and the increase in width to the rear dormer which have been implemented unlawfully, contrary to what was permitted under 20210036.

Permitted under 20210036

Current Submission



The proposal shows the dormer width increased from 4.85m to 5.2m and the installation of a Juliet balcony in the dormer. The proposal also shows a change to the fenestration serving the ensuite in the dormer.

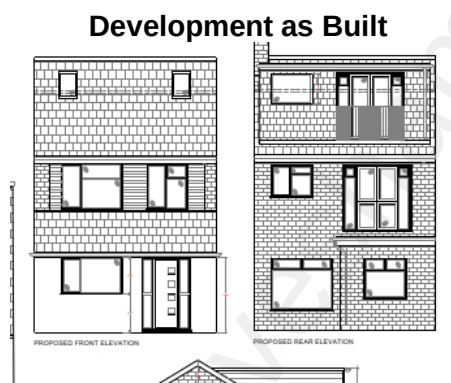
Procedural Matters

The plans submitted showing what is currently on site showed the dormer window serving the ensuite as one single panel, however this was incorrect and then correctly shown on the revised plans.

Character and Appearance

19 Malvina Avenue is a modest detached property located on the northern side of the highway. The property has a paved frontage used for vehicular parking and a small rear garden compared to neighbouring properties.

The proposal has been revised from what was initially proposed in the current application and reflected what has currently been built on site.



Proposed Alterations



However after discussing the appropriateness of the plans the applicant has agreed to remedy some of the unauthorised development and reverted some parts of the development inline with what was approved under 20210036.

The Juliet balcony at first floor level will be removed and replaced with an appropriate window and the surrounding gaps closed with bricks to match the host dwelling.

The dormer at first floor level is acceptable and appropriately designed, the dormer whilst large is set within the roof space and is therefore acceptable on balance.

The existing fenestration on site is grey at first floor level and above and white on the ground floor, the applicant has agreed to change all of the window casings to a grey colour to allow for a more visually acceptable development.



The proposal also shows the installation of an additional sky light in the front roof slope, this is not harmful to character of the property and is deemed acceptable.

Overall the development proposed is suitably designed and it is considered that the proposal is in compliant with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy 2014 and SPD4 – Householder Extensions/Alterations Guidelines 2021.

Amenity of Future Occupiers

The proposal has not changed in terms of increased bedrooms or a reduction in size to the bedrooms and so the proposal is largely the same as what was deemed acceptable under 20210036.

It should be noted that the proposal approved under 20210036 can still be implemented and is a material consideration. Elements of design from 20210036 have been included in this current submission. The

proposal is considered to adequately safeguard the amenity of future occupiers.

Neighbouring Amenity

The rear dormer at second floor level has a Juliet balcony, facing the applicants own garden and overlooks neighbouring rear gardens. However, there is no greater impact of overlooking than the window of the rear dormer at 21 Malvina Avenue and 83 Ferndale Avenue.

The balcony proposed in the dormer may also give the perception of overlooking for adjoining properties to the rear, however they are compliant with Council's set standards as they are approx. 54meters from the windows serving habitable rooms. Furthermore rear facing dormers in some instances are considered to be permitted development, and whilst they are not permitted in this instance, adjoining properties could construct a similar dormer with similar or larger windows. Furthermore the current proposal is deemed to be an improvement over the previously approved scheme and the applicant is still able to implement what was approved under 20210036 as a fall back.

The window in the dormer which serves the ensuite opens out and whilst it includes a top hung element it also includes a larger opening which may impact neighbouring privacy. Whilst there is a similar arrangement on the first floor level bathroom window it should be noted that this window did not form PART of the existing proposal and whilst the window appears new, it may have been of a similar design before, however the dormer window will be conditioned so that it is obscure glazed and the only opening parts should be 1.7m from the ground level.

The proposal is therefore on balance considered acceptable as a refusal on this basis is not likely to be upheld at appeal level.

Parking and Highways

The proposal will retain a large off road parking space at the front of the property which can comfortably accommodate parking for a minimum of two cars and so there are no concerns in this regard.

Conclusion & Recommendation

The application has been fully considered and is recommended permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	1 st November 2022	Dated:	8th November 2022