

SUMMARY REPORT

Application Ref:	20220965
Site Address:	Land Between 29 And 31 The Street Shorne Gravesend
Application Description:	Demolition of the existing garage and erection of a detached 3-bed dwelling with associated parking, amenity space and landscaping.
Applicant:	Mr Ali Rana
Agent:	Miss Briggs, Barron Edwards Ltd
Ward:	Shorne, Cobham & Luddesdown
Parish:	Shorne
Decision due date:	23 November 2022
Publicity expiry date:	18 November 2022
Decision Level:	Planning Committee - 4 January 2023
Reason for referral:	Councillor Call-In
Recommendation:	Refusal

Summary of Reasons for Recommendations

In summary there is no broad objection to the principle of residential development on this site. However, as laid out in this report, there are concerns with this proposal which relate to the scale and massing of the proposed development due to the narrow width of the plot. This would result in a cramped form of development which would have an adverse impact upon the character and appearance of the Shorne Conservation Area.

The loss of outlook that would be experienced from the property at No. 31 The Street provides a further indicator that the proposed new dwelling would result in a cramped form of development.

In addition, and for the reasons set out in this report, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone. The absence of strategic mitigation measures in relation to this issue forms a further reason for refusal in relation to this application.

Overall, it is considered that this current proposal has not overcome the previous reasons for refusal and is therefore recommended for refusal.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is a parcel of land located between Nos. 29 and 31 The Street, Shorne. A detached garage is located to the front and is bounded by brick walls and fencing. To the rear of the garage the site is significantly overgrown.



- 1.2. The application site is defined on the Core Strategy Policies Map as lying within the settlement of Shorne. Shorne is defined as a rural settlement inset from the Green Belt (Policy CS02). The site also lies within the Shorne Conservation Area.
- 1.3. The wider area is characterised by properties of mixed design and architectural style.

2. Planning History

Reference	Description	Decision	Decision Date
20180857	Demolition of the existing garage and erection of a detached no. 3 bed dwelling with associated parking, amenity space and landscaping.	Refused Appeal Dismissed	12.07.2019 21.11.2019
20090640	Demolition of existing garage and erection of a detached single storey dwelling with two bedrooms in the roof space and a parking space at the front.	Refused	02.10.2009
20061089	Erection of detached two storey three bedroom dwelling with integral garage.	Withdrawn	09.02.2007
20060412	Outline application for the erection of a detached two storey dwelling.	Refused	06.07.2006

3. Proposal

- 3.1. This application seeks permission for the demolition of the existing garage on this site and the erection of a two storey three bedroom detached dwelling with 2no. front dormers.
- 3.2. The property would consist of an entrance hall, lounge, kitchen/dining room and w.c on the ground floor, 2no. bedrooms (one with en-suite), study and family bathroom on the first floor and one bedroom and shower room within the roofspace.
- 3.3. Two car parking spaces would be provided to the front of the property.

4. Planning Policy, Development Plan and other Material Considerations

4.1. Development Plan

4.2. Gravesham Local Plan Core Strategy (LPCS) (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles
- CS20 – Heritage and the Historic Environment

4.3. Paragraph 33 of the NPPF (2021) 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.

4.4. 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 (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

4.5. Saved Policies in the Gravesham Local Plan First Review (LPFR) (November 1994):

- TC3 – Development Affecting Conservation Areas
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

4.6. **Other material considerations**

4.7. National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

4.8. Supplementary Planning Guidance

SPG2 - Residential Layout Guidelines (1996)

SPG 4 - KCC Parking Standards (2006)

Shorne Conservation Area Appraisal SDP (2017)

Housing Standards Policy Statement, 1st October, 2015

Technical Housing Standards: Nationally Described Space Standards

Landscape Character Assessment (2009)

5. Consultations and Publicity Responses

Consultations

Internal

GBC – Conservation Officer

5.1. This proposal offers little to address the concerns previously raised and upheld at appeal ref APP/K2230/W/19/3235909

The proposals will cause harm to the conservation area by virtue of its scale and bulk resulting in a loss of the visual gap and openness to this part of the conservation area, preventing views across it to the wider conservation area. The design of the proposal is somewhat mundane and suburban, and will make no contribution to the character and appearance of the conservation area.

For these reasons the proposals are contrary to local and national policy and cannot be supported.

GBC – Highways Officer

5.2. This application is not as simple as it first may seem and appears very similar to one previously submitted under application 20180857.

Who currently uses the garage and for what purpose? It is a potential off-street parking space that should be replaced as part of any development proposal.

The proposal itself is not really acceptable. Current guidance issued by Kent County Council states that the minimum distance between the back edge of footway and the front door to a building should be a minimum of 6 metres to provide reasonable pedestrian access around a parked vehicle to the property. Here the distance appears to be some 5.75 metres and is less than ideal particularly when one considers that some vehicles are tending to get bigger to accommodate batteries etc.

Space Criteria Table- Minimum Measurements Required

How will you park the car	Width(minimum)	Depth(minimum)
A/ Perpendicular -Parking area at right angles to the road	2.4 metres	4.8 metres
B/ Perpendicular with access Point - Parking area in front of access door or garage	2.4 metres	6 metres
C/ Parallel -Parking area parallel to the road	6 metres	3 metres
D/ Parallel with access point – Parking area to parallel to the road	6 metres	4.2 metres
E/ Separate Entrance and Exit - Driving on and off the parking area	15 metres	4.2 metres

If you are minded to approve the existing carriage crossover would need to be widened before the building was occupied.

https://www.kent.gov.uk/_data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf

External

Natural England

- 5.3. Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

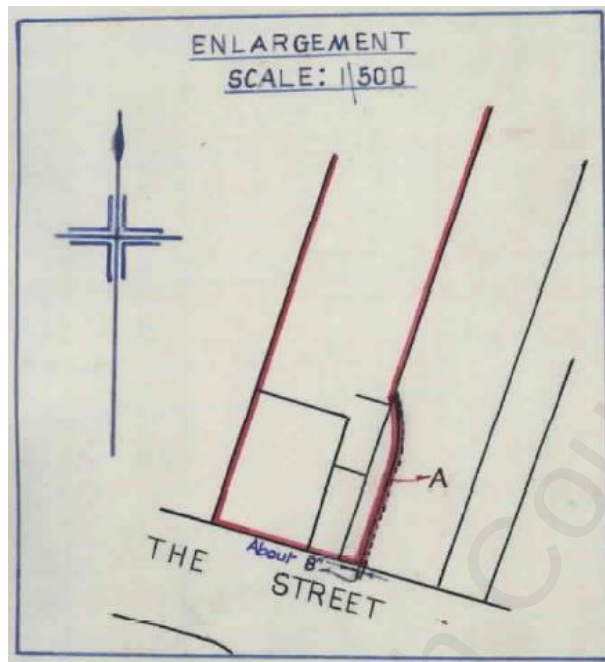
If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

Shorne Parish Council

5.4. The Parish Council wishes to overall **OBJECT** to this application, with the following comments:

1. The site: This is a very difficult and narrow site, with straight and parallel sides except where narrowed near the front (pavement) boundary. It lies within the Shorne Village Conservation area, and is also constrained by an ancient wall on the right (eastern) border. The plot is fairly level however The Street drops away from west to east.
2. Previous uses: Historically, the site was used for a greenhouse and private allotment at the rear and for a small prefabricated garage and hardstanding near the roadway.
3. Previous applications and Appeal: There have been several previous planning applications, not all of which are listed in the supporting documentation. All previous applications have been refused/withdrawn, and an Appeal in relation to the most recent application Ref 20180857 was dismissed. The Appeal discussion referred to the importance of the openness of the site to the Conservation Area.
4. Disagreement with applicants supporting statement: The Parish Council disagrees with various content of the applicant's supporting statement.
5. Site plans submitted are incorrect:
 - Land Registry plans for the adjacent property at 29 The Street ref K189870 have been accessed online, and these show that the submitted layout and land ownership plans, and therefore the measurements of available width of the site, are incorrect. (An additional narrow strip of land was also transferred in 1967).
 - There is presently no fence/wall separating off the front of the site from the land belonging to No. 29, and allowance needs to be made for this in the plans. However, installation/construction, also of the western wall of the proposed house, would be constrained by the safety margin needed for the sewer drains and manhole access needs. The manholes appear to be on the land belonging to No 29.





- The submitted “Street View-proposed” plan shows a significant fall in level at the rear of the property but this should not be the situation.
- 6. Other constraints: As well as the remaining part of the ancient wall on the right, the site contains sewer drains serving other and neighbouring properties that also cross the site - consideration would need to be given to these structurally within the design and any subsequent build. A large soakaway is noted shown at the end of the garden. We also observe that aerial wires to another property cross the site.
- 7. Proposed design:
 - While some minor changes have been made since the previous application, we have to continue to **OBJECT** to the proposed design, considering it to provide cramped accommodation and to be too large for the site, possibly constituting overdevelopment. A two-bedroom dwelling might be more appropriate for such a constrained site.
 - Insertion of an incongruous, narrow detached dwelling would be detrimental to the street scene and also to the amenity of neighbouring properties: No 31 would be particularly affected by the higher roof ridge height and 2nd storey rear projection while No 29 will suffer loss of light to habitable rooms and its side windows would face a featureless blank wall.
 - We **OBJECT** to the proposed two-storey rear projection as it negatively affects the amenity of the neighbouring property at No 31 - a single storey rear projection as shown, but which could be across the full width, would be acceptable instead.
 - We are concerned that there is proposed to be a spare room marked “study” on the first floor, which could easily be used as an additional bedroom. The plans convey the impression of a four-bedroomed house, while there are two dining tables shown on the ground floor so there is room for a home office area there. We suggest that the 1st floor bathroom should be moved into the “study” space and the rear projection of the bedroom removed with incorporation of the previous bathroom space.
 - The proposed bin and cycle shed is impractically distant from the house and affects the amenity of the neighbouring properties. The gap at the side of the house is constrained by the ancient wall so the side wall of the house will need to be located far enough away from it to allow bins to pass through while two vehicles are parked. Bins put out for collection must not obstruct the pavement.

8. Parking: The plans show only two spaces, one of which impedes access to the front door when in use while the other will block access to the side gate. The proposed spaces are only 4.9m deep and are less than 2.5 m wide, which dimensions are substandard. There is no visitor parking provided and the immediate area has double yellow lines. This area of the village has great competition for on-street parking spaces, with nearby side roads all being very narrow. The proposed dwelling is likely to increase such problems, and this is a significant concern. The fully open frontage for parking is unusual for the area and will be visually intrusive.
9. If to be permitted/suggested Conditions to be attached:
- Materials to be used should harmonise with existing properties nearby in the area.
 - Removal of Permitted Development Rights to prevent subsequent further extensions of the property and any garden buildings.
 - Requirement to retain and conserve the remainder of the ancient wall.
 - Parked vehicles must not overhang the pavement/dropped kerb area.
 - A construction method statement and detailed plans of the retained manhole access and bridging of foul drains should be provided and agreed before any construction can begin.

Dickens Country Protection Society

- 5.5. The Society would wish to object to this application on the grounds that this is a very small site within the Shorne Conservation Area and in the Society's view not suitable for development.

The fact that the site is overgrown and the garage is dilapidated is a direct result of the owner's management of the site and should not influence any consideration of the planning application. The site's former use was an allotment with the garage. In the Society's view the local area benefits from this site being open. The proposed development is cramped and would not enhance the street scene or the conservation area.

It is noted that a similar application made in 2018 under reference GR/2018/0857 was refused and the subsequent appeal dismissed.

Neighbours

- 5.6. This application was advertised by the displaying of a site notice and individual letters sent to 16 surrounding properties, with an overall expiry date of 25th November 2022.
- 5.7. 5 letters of representation were received, consisting of 2 objections and 3 in support.
- 5.8. The following summarised comments were made:

Objections

- Similar to previous refused applications
- Parking
- Highway Safety
- Impact on historic wall
- Loss light to habitable rooms
- Overshadowing
- Visually intrusive
- Overbearing

- Direct detrimental impact on the occupiers of Nos. 29 and 31
- Impact on the existing drain
- Detrimental impact on the conservation area
- Asbestos from existing garage
- Damage to No. 29 during construction due to proximity
- Design is out of character
- Have not addressed the previous reasons of refusal
- Inadequate room sizes
- Measurements within the plans seem misleading
- 5th planning application since 2009
- Previous planning applications refused and appeal dismissed
- Study could be a 4th bedroom
- Drawings are not to scale
- Property is taller than previous proposal which would tower over our property
- Loss of light to property and garden
- Set so far back and projecting past rear building lines and into rear garden space for adjacent properties
- Out of character with the area
- Cramped form of development

- Property value (non-material)

Support

- Good way to tidy up that corner and stop fly tipping
- Traffic flow should not be affected as was used for a garage for many years
- Current site does not enhance the village
- Site is very overgrown and encourages rubbish disposal and rats
- An appropriate constructed house with amenities would be very welcome

6. Planning Analysis and Service Manager (Planning) Comments

Background

- 6.1. As the planning history shows, there have been 3 no. applications for a single residential dwelling on this site, with the most recent being dismissed on appeal.
- 6.2. The most recent scheme, being 20180857 for the demolition of the existing garage and erection of a detached no. 3 bed dwelling with associated parking, amenity space and landscaping, was refused for the following reasons;
 1. The proposed development, by virtue of its scale, massing and siting, would provide a cramped form of development on this plot that would be out of keeping with the character of development within this locality and would be harmful to the outlook of neighbouring properties. For these reasons the development would also be harmful to the character of the Shorne Conservation Area. As such the proposed development would be contrary to the National Planning Policy Framework (2018), Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Gravesham Local Plan First Review (1994) and the Shorne Conservation Area Appraisal SDP (2017),
 2. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas. In the absence of such contributions the development fails to comply with the requirements of the Habitat Regulations and Section 15 of the National Planning Policy Framework (2019) and Policies CS10

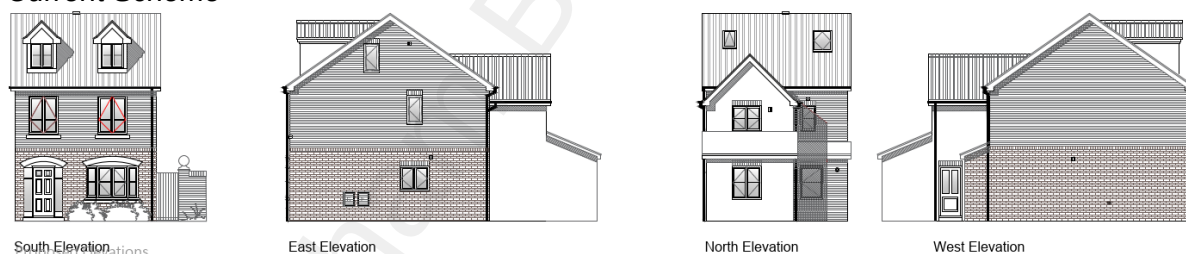
and CS12 of the Gravesham Local Plan Core Strategy (2014).

- 6.3. The application was dismissed at appeal with the Inspector concluded that the proposal would fail to preserve the character and appearance of the Conservation Area and would not meet the requirements of section 72 of the Act. For the same reason it would not accord with policies CS19 and CS20 of the Gravesham Local Plan Core Strategy, saved Policy TC3 of the Gravesham Local Plan First Review, relevant paragraphs of the Framework and guidance within the Shorne Rural Conservation Area Appraisal.
- 6.4. The previous applications to this (Gravesham planning references 20090640 and 20070976) were refused for almost identical reasons.
- 6.5. It should be noted, that prior to the submission of this current application, the applicant did not engage with the local authority through the pre-application service.
- 6.6. The current application is a similar proposal, which is highlighted in the images below;

Refused Scheme (20180857)



Current Scheme



- 6.7. The main differences between the proposals are a reduction in ridge height of 750mm from 9.25m to 8.50m, the addition of two single storey projections to the rear and alterations to the front dormers and of one front first floor windows.
- 6.8. The pitch roof, with lower ridge two storey gable rear projection, together with the floor layouts, parking and hard and soft landscaping remain unchanged.
- 6.9. It will therefore be necessary for this current application to be assessed against the previous reasons of refusal and if the revised scheme have overcome those reasons.

Housing Need and the Principle of Development

- 6.10. Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the NPPF (2021) and this means for decision-taking that

planning permission for applications involving the provision of housing should be granted in line with the requirements of the NPPF (2021) Para 11(d) unless:

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 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.

6.11. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- 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 67); and
- Areas at risk of flooding or coastal change.

6.12. 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.

6.13. The proposed development for a net increase of '1' dwelling would offer a minimal contribution towards meeting this local need.

6.14. However, as part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

6.15. Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

6.16. The broad principle of the proposed residential development finds support in the NPPF (2021). Paragraph 60 is particularly relevant:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- 6.17. In addition, paragraph 69 requires that in order to promote the development of a good mix of sites local planning authorities should, “support the development of windfall sites through their policies and decisions”.
- 6.18. The application site is defined on the Policies Map of the Gravesham Local Plan Core Strategy as lying within a rural settlement inset from the Green Belt. Policy CS02 of the Core Strategy states the following in relation to site within such locations:

In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map.

- 6.19. In light of these considerations, there is no objection to the broad principle of residential development on this site subject to the proposal being appropriate in terms of other planning issues.

Character and Appearance

- 6.20. Section 12 of the NPPF (2021) relates to “achieving well-designed places” and sets out the Government’s requirements in relation to design issues. Paragraph 124 is particularly relevant:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 6.21. The aims set out in paragraph 130 of the NPPF (2021) are reflected in Policy CS19 of the Council’s Core Strategy. This requires new development to be “visually attractive, fit for purpose and locally distinctive” and to “conserve and enhance the character of the local built, historic and natural environment”. It also requires new development to “integrate well with the surrounding local area”. In addition, Policy CS19 requires the following:

“....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.”

- 6.22. As the site lies within a conservation area, Section 16 of the NPPF (2021) is also relevant. This sets out requirements relating to conserving and enhancing the historic environment. Paragraph 197 is of particular relevance and states that in determining applications, local planning authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.23. Policy CS20 of the Council's Core Strategy and saved Policy TC3 of the Gravesham Local Plan First Review 1994 are also relevant. Policy CS20 of the Core Strategy places a high priority on the preservation, protection and enhancement of the Council's heritage and historic environment. Policy TC3 of the Gravesham Local Plan First Review 1994 requires that development within or affecting conservation areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

6.24. The application site lies in a sensitive location at the eastern edge of the conservation area. In his comments relating to the previous application (Ref. 20180857), the Council's Conservation Architect defines the contribution that this site makes to the conservation area and the challenges of new development as follows:

The proposal site is included in the eastern edge of the historic core of the village conservation area, taking in a historic boundary wall. Such historic boundary walls appear in the conservation area and reference previous large plots within the village, which have now been developed in the main with 20th century housing. The challenge of this site is to reference the historic boundary wall and respond to the open space that makes a positive contribution to the edge of the conservation area.

6.25. The importance of the open character of the site and its importance to the setting of the conservation area were also recognised in the Council's assessment of planning applications 20070976 and 20090640. The delegated planning report relating to application 20070976 identified the importance of the site to the conservation area and the harm that would result due to the proposed development as follows:

It would provide a cramped form of development which would totally fill the width of the site and create an almost complete two storey frontage when viewed alongside the adjoining properties. Therefore the current break in built form and views through the site towards some trees would be lost and this would be detrimental to the character and appearance of the conservation area, particularly noticeable when approaching from the east.

6.26. In the delegated planning report relating to application 20090640 the role of the application site was defined as follows:

The open space at present creates a break in built form on the boundary of the conservation area to which there are open views from the east. It therefore acts as a setting and defines the character of the locality.

6.27. These were also highlighted within the delegated report of the more recent application 20180857.

6.28. In the decision relating to this application the first reason for refusal of (20180857) raised concern that the proposal "by virtue of its scale, massing and siting, would provide a cramped form of development on this plot that would be out of keeping with the character of development within this locality and would be harmful to the outlook of neighbouring properties. For these reasons the development would also be harmful to the character of the Shorne Conservation Area".

6.29. The current application does not appear to have addressed the important contribution of this site to the conservation area nor the concerns raised in response to the previous applications in terms of the impact of development upon this designated area. As with the previously proposed developments, the dwelling would extend almost the full width of the site. In addition, in order to provide accommodation within the roofspace, the building would measure 8.50m in height, and although this is a

reduction of 750mm from the previous application, the resulting scale and massing of the building would still lead to a development that would appear cramped particularly given the narrow width of the site.

- 6.30. This is a view shared by the Council's Conservation Architect. In his previous comments he raises the following concern which are still relevant to this current application:

Having looked at the application proposals I can see little has changed and the proposals still appear cramped on the site and too bulky for this narrow plot. The concerns with previous applications have failed to be addressed with this proposal and continue to result in harm to the conservation area due to the loss of openness and the creation of a suburban development within this rural village settlement.

Due to the harm caused to the appearance of the conservation area it is not possible to support this proposal.

- 6.31. The current scheme is very similar to the previous scheme which were also shared in preliminary drawings that were previously submitted to the Conservation Officer. It is clear that the conservation concerns relating to these preliminary drawings or the previous reasons for refusal have not been addressed.
- 6.32. It should be noted that no objection is raised to the design of the dwelling *per se*. The locality is characterised by properties of mixed design and architectural style and in this respect the broad appearance of the new dwelling would not be out of keeping with other properties within the vicinity. The concerns with this development relate specifically to the scale and massing of the proposed development, particularly given the narrow width of the plot, and the resulting impact upon the character and appearance of the Shorne Conservation Area.
- 6.33. Paragraph 201 of the NPPF (2021) states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.34. In this instance the revised proposal has not sought to overcome the previous reasons for refusal, nor have other possible uses of the site been investigated, or demonstrated how the proposal would outweigh the substantial harm to the Shorne Conservation Area, which is a heritage asset in itself in terms of the NPPF.
- 6.35. It is therefore considered that the proposal would result in substantial harm to the Shorne Conservation Area.
- 6.36. In light of the above, it is considered that this proposal would fail to meet the tests set out in the National Planning Policy Framework (2021), Policies CS19 and CS20 of

the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994).

Amenity (Future Occupiers)

- 6.37. 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'. On 25 March 2015, the Government issued a written ministerial statement which introduced new technical housing standards in England.
- 6.38. The proposed property 3-bed 6-person property laid out over three floors.
- 6.39. The national standard for a property of this size is 108sqm and the proposed dwelling has a gross internal floor area (GIA) of 124.92sqm which would exceed the minimum.
- 6.40. In terms of individual room sizes, bedrooms 1 and 2 are shown to be double rooms, however they would not meet the minimum size standard for a double, however they would meet the minimum size for a single room.
- 6.41. The Council's Residential Layout Guidelines require that new dwellings should meet minimum criteria in terms of private amenity space. For residential units with three bedrooms, a minimum garden area of 60 sqm and a minimum garden depth (measured from the rear wall of the house) of 10m is required. The proposed scheme would satisfy these requirements.

Amenity (Neighbours)

- 6.42. 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 130 of the NPPF (2021) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

Privacy

- 6.43. The Council's Residential Layout Guidelines provide detailed guidance with respect to privacy and overlooking and contain privacy standards which new developments are expected to comply with. Paragraphs 17 and 18 are particularly relevant and are set out in full below:

17 Where windows of habitable rooms face each other (whether across a road, pedestrian way or private garden) a window-to-window distance of at least 21 metres should be provided. Habitable rooms are defined as bedrooms and living areas, but specifically exclude kitchens and bathrooms.

18 In addition, a minimum distance of 21 metres shall be provided between the windows of habitable rooms and the private garden area of any dwelling. A private garden area is defined as the first five metres of garden adjacent to the rear of the dwelling.

- 6.44. It is noted that concern was raised against the previous application that the windows on the rear elevation of the proposed dwelling would overlook the garden to no. 6 Hollands Close. As the location and window placement is similar to the previous, these comments are still relevant. No. 6 Hollands Close lies to the north of the

application site. However due to the separation distance of approximately 25.15m between this property and the new dwelling, the requirements set out in the Council's Residential Layout Guidelines would be met.

- 6.45. Due to the orientation of the proposed dwelling, there would be no windows facing the property at no. 29 The Street. As such the occupiers of this property would not suffer from a loss of privacy resulting from the new development. There would be mutual overlooking over the rear gardens, however in a built up residential area, this would to be expected and the proposed dwelling would not exacerbate the situation.
- 6.46. Three windows are proposed on the eastern elevation of the proposed dwelling. These would face the western elevation of no. 31 The Street, which only has one obscure glaze first floor window. As the upper floor windows serve a bathroom and comprise a secondary window to a bedroom, they could be obscure glazed in order to protect the amenity of the neighbouring occupier. If permission were to be granted this could be secured by planning condition. The ground floor window which serves the kitchen/dining room, would be unlikely to result in a loss of privacy due to the existing boundary wall, as well as any fencing along the eastern boundary of the site. If permission were to be granted, a condition requiring the submission of details of boundary treatment would ensure that proposed fencing would be sufficient to provide such screening.
- 6.47. The windows on the front elevation of the dwelling would face The Street, beyond which lies a bungalow known as Ashcroft. The distance between the windows on the front elevation of the proposed dwelling and the front elevation of Ashcroft would be in excess of 21m. As such the requirements set out in the Council's Residential Layout Guidelines would be satisfied.

Loss of sunlight/daylight/outlook

- 6.48. It is noted that some local residents have raised objection to the proposal on the ground that it would result in a loss of sunlight and daylight to their properties. In view of the siting and orientation of the proposed dwelling, it would be unlikely to result in a significant loss of sunlight or daylight to neighbouring properties. There are windows located within the flank elevations of nos. 29 and 31 The Street. However, these appear to serve bathrooms or to be secondary windows to existing bedrooms/habitable rooms. As such any loss of sunlight/daylight to these windows would be difficult to substantiate in planning terms. In addition, it should be noted that the proposed dwelling is sited so that it would not be located adjacent to many of these windows which would further limit any impacts.
- 6.49. The proposed dwelling does project beyond the rear elevations of both neighbouring properties. However, due to the orientation of the proposed building and its design (including a lower ridge height for the rear two storey projection), it is considered that there would not be a demonstrable loss of sunlight or daylight to the windows on the rear elevations of the neighbouring properties.
- 6.50. The proposed development would be constructed in close proximity to the western and eastern boundaries of the site. The property at no. 31 The Street occupies an "L" shaped footprint. The depth of the western part of this dwelling is less than that of the rest of the building. The outlook from the windows within the rear elevation of this part of the building would be restricted due to the height, depth and close proximity of the proposed new dwelling. The new dwelling would appear overly dominant and imposing when viewed from these windows and the adjacent garden area. The loss of outlook that would be experienced provides a further indicator that the proposed

new dwelling would result in a cramped form of development (as discussed above under the heading “Character and Appearance”).

- 6.51. Although a significant element of the proposed dwelling would be located in close proximity to the western boundary of the site, its projection beyond the rear elevation of the property at no. 29 The Street would be significantly less than that experienced by the property at no. 31 The Street. As a result of this limited projection, it is considered that there would not be an unacceptable loss of outlook to the residents of no. 29 The Street.
- 6.52. In light of the above, it is considered that the proposed dwelling due to its proximity to No. 31 The Street, would result in an unacceptable impact on the occupiers of this property, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 130 of the National Planning Policy Framework (2021).

Parking and Highways

- 6.53. Policy CS11 seeks to ensure that new development mitigates its impact on the highway and that sufficient parking is provided in accordance with adopted parking standards, reflecting the availability of public transport provision and the accessibility of local services and facilities.
- 6.54. The submitted application indicates that two on-site car parking spaces would be provided for the proposed dwelling. Kent County Council Vehicle Parking Standards require a maximum of two parking spaces to be provided for properties with 2-3 bedrooms. As such, this proposal meets current standards.
- 6.55. It is noted that concern has been raised by local residents that the proposed study would be used as an additional bedroom which would result in the property accommodating four bedrooms. The Kent County Council Vehicle Parking Standards require that for properties with this number of bedrooms, a maximum of three spaces should be provided. There is therefore concern from residents that there would be insufficient parking to serve the new dwelling.
- 6.56. The “Technical housing standards – nationally described space standard” provides minimum floor areas and room widths for bedrooms. The proposed study would fall below these minimum standards and therefore cannot be defined as a bedroom. As such, the proposed development must be assessed on the basis that the dwelling contains three bedrooms and not four. The level of parking shown on the submitted drawings is therefore considered acceptable.
- 6.57. The concerns raised by local residents in terms of vehicles reversing onto The Street from the proposed parking bays have been noted. However, no objection has been raised on this issue by the Council’s Highways Development Management Officer. Furthermore, it should be noted that this issue did not form the basis of any of the reasons for refusal for the previous three applications relating to this site even though similar parking arrangements were proposed for both of these schemes. Similarly, although the Council’s Highways Development Management Officer has questioned the use of the existing garage, it has clearly not been used for parking purposes for a significant period of time and its loss did not form part of the reasons for refusal relating to the previous applications for this site. It would therefore be inconsistent for the Council to now object on these issues.
- 6.58. The comments of the Council’s Highways Development Management Officer concerning the limited distance between the back edge of the footway and the front

door have also been noted. Although it is agreed that in itself this would not be sufficient to warrant a reason for refusal, it provides another indicator that the proposed new dwelling would result in a cramped form of development (as discussed above under the heading "Character and Appearance").

- 6.59. In light of the above, it is considered that this proposal would be appropriate in terms of highway and parking issues and as such would accord with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

Other Material Planning Considerations

Ecology and Biodiversity

- 6.60. Paragraph 174 and 177 of the NPPF (2021) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).
- 6.61. Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.
- 6.62. The application site is overgrown with the existing garage located in a similar position to the proposed dwelling. The rear of the site would be private garden with soft landscaping which would be secured by condition if permission were forthcoming. Therefore in terms of biodiversity, it is considered that the proposal would not result in a biodiversity net loss.
- 6.63. The application site is located in the Thames Estuary and Marshes Ramsar Buffer Zone. The Thames Estuary and Marshes Special Protection Area (SPA) is 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.
- 6.64. The Local Planning Authority 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 £275.88 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), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an

Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

- 6.65. The applicant has made no attempt to address this issue, despite clear information related to the SAMM's requirements available on the Council's web pages. Without this agreement in place and in the absence of information for an appropriate assessment to be undertaken, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the North Kent Marshes SPA which is contrary Paragraphs 180 and 181 of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Landscape Character Area

- 6.66. Section 15 of the NPPF (2021) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states that the overall landscape character and valued landscapes will be conserved, restored and enhanced and the greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs AONB and its setting.
- 6.67. The application site is located within the Shorne Woodlands Landscape Character Area. The topography is undulating with chestnut coppice woodland. The area is characterised by a strong sense of enclosure and traditional village greens. The settlement is concentrated within Shorne and Shorne Ridgeway. The condition is good and the guidelines are to conserve and reinforce.
- 6.68. Due to the location of the site within the village rural boundary and the layout of the site and the proposal and surrounding built form, it is considered that there would be no direct impact on the landscape character area. As such the proposal would accord with Policy CS12 (LPCS) and Section 15 of the NPPF (2021).

7. Conclusion

- 7.1. In summary there is no broad objection to the principle of residential development on this site. However, as laid out in this report, there are concerns with this proposal which relate to the scale and massing of the proposed development due to the narrow width of the plot. This would result in a cramped form of development which would have an adverse impact upon the character and appearance of the Shorne Conservation Area, causing substantial harm to the heritage asset.
- 7.2. The loss of outlook that would be experienced from the property at No. 31 The Street provides a further indicator that the proposed new dwelling would result in a cramped form of development.
- 7.3. In addition, and for the reasons set out in this report, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone. The absence of strategic mitigation measures in relation to this issue forms a further reason for refusal in relation to this application.
- 7.4. Overall, it is considered that this current proposal has not overcome the previous reasons for refusal and is therefore recommended for refusal for the reasons laid out

below.

Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development, by virtue of its scale, massing and siting, would provide a cramped form of development on this plot that would be out of keeping with the character of development within this locality and would be harmful to the outlook of neighbouring properties. For these reasons the development would also be harmful to the character of the Shorne Conservation Area. As such the proposed development would be contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Saved Policy TC3 of the Gravesham Local Plan First Review (1994), as well as Section 12 of the National Planning Policy Framework (2021) and the Shorne Conservation Area Appraisal SDP (2017).
2. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas. In the absence of such contributions the development fails to comply with the requirements of the Habitat Regulations and Section 15 of the National Planning Policy Framework (2021) and Policies CS10 and CS12 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance pre-application advice was not sought and the proposal as submitted is contrary to local and national planning policy and cannot be supported.

2 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

- Planning Application Form;
- Planning and Heritage Statement (August 2022);
- Drawing No. 001 Rev A – Site Layout;
- Drawing No. 002 Rev A – Existing and Proposed Site Layouts;
- Drawing No. 003 Rev A – Proposed Plans and Elevations; and
- Drawing No. 004 Rev A – Proposed Street View.