



Delegated Report

Planning Application

Planning Application No: 20241171

Location: 22 Trosley Avenue Gravesend Kent DA11 7QW

Description: Change of use from dwellinghouse to a 7-occupant HMO.

Applicant: Gill

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form
HD0087-PL001 – Existing Floor Plans
HD0087-PL002 – Existing Elevations and Section
HD0087-PL003 – Proposed Floor Plans
HD0087-PL004 – Proposed Elevations and Section
HD0087-PL005 – Block and Location Plan
Photographs
Parking Survey
Parks and Transport Links
HMO Management Plan
Additional Parking Evidence
Design and Access Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20240790	Erection of a single storey rear extension with roof light to replace existing single storey rear projection.	Permitted	25.10.24
20240557	Application for a Lawful Development Certificate in respect of change of use from C3(Dwellinghouse) to C4 (HMO), erection of a single storey rear extension, erection of a dormer extension in the rear roof slope and addition of 2no. rooflights in the front roof slope.	Granted	16.08.24
20240397	Prior approval application for a single storey rear extension with a depth of 6 metres, maximum height of 2.80 metres and eaves height of 2.80 metres.	Refused	03.06.24

Development Plan

Gravesham Local Plan Core Strategy (2014)

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

- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Council Tax

No comments received.

GBC Service Manager (Housing Options)

Where the HMO is the applicants preferred option, the applicant has made contact with the HMO team, and a site visit has been made to the premises to discuss licencing requirements.

Private Sector Housing is happy with the proposed application.

Kent Police Designing Out Crime

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:
"18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.
11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
12. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the

Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Neighbouring properties

7no. surrounding properties were consulted, and 2 comments were received from members of the public, both objecting to the proposals. The final date to submit comments was 02.04.25.

Summary of objections:

- The top elevation looks directly into neighbouring bedroom and bathroom windows and gardens compromising privacy and security.
- Available parking could be impacted by an additional 7-14 cars.
- Assurances are needed that there will not be loud parties and tenants are vetted.

Officer Note: Concerns made regarding potential substance abuse by occupiers is a legal matter, not a planning matter which can be addressed by this application.

Officer's Analysis

This application relates to a mid-terraced dwellinghouse, which has permission for erection of a single storey rear extension and a dormer to the rear roof slope. Both these elements of work have begun construction as per the photographs provided by the planning agent. The site has been granted a Lawful Development certificate for change of use from C3 to C4 dwellinghouse which has not yet begun, given that the construction works are still underway. This allows the occupation of the building as a small HMO, for between three to six unrelated individuals. This application seeks to allow for the use of the building for up to 7 unrelated individuals, making it a larger HMO. No external changes are proposed other than those already consented for which construction has begun.

Principle of Development

This application is located inside the Urban Boundary, where alterations and extensions to residential buildings are generally acceptable in principle as per Policy CS02: Scale and Distribution of Development. However, all other relevant matters should be considered. In this instance, the main points to consider would be the potential impact on; Visual Amenity (Design, Character and Appearance), Amenity of Future Occupiers, Residential Amenity of neighbours, Parking and Highways and Biodiversity Enhancement.

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath re-emphasised 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) (2024). This requires that in regard to housing development, planning permission should be granted unless:

1. 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
2. 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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(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.

A HMO would only contribute towards the local housing need if the HMO is created by change of use from a non-residential building. As such the application does not affect the five-year housing supply.

Design, Character and Appearance

Policy CS19 (LPCS) states that the design, layout and form of new sustainable 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. The NPPF (2024) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

No external changes are proposed as part of this development. As such, the scheme would not impact the visual amenity of the site or the wider area.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2024) in terms of design, character and appearance.

Amenity of Future Occupiers

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

The Council's own adopted 'Guidance for HMO Amenity Standards' (2023) includes more appropriate minimum room size requirements for this application type. For a one-person unit there should be a minimum bedroom floor area of 6.51m² and for a two-person unit there should be a minimum bedroom floor area of 10.22m². The application form and proposal states that the HMO would serve 7 people only. However, the increase in occupiers is intended to be made by making 1 room double occupancy, rather than by increasing the number of bedrooms. Bedroom 3 would be double occupancy whilst all other bedrooms would be single occupancy. All rooms exceed the minimum bedroom area of 6.51m². Bedroom 3 specifically would exceed 10.22m²

There would be one kitchen and a dining room located on the ground floor of the HMO. The HMO Amenity Standards (2023) provides minimum requirements for communal kitchens/dining areas:

Where a kitchen is shared by (communal)	1 – 3 occupants	4 occupants	5 occupants	6 occupants	7 – 10 occupants
Kitchen (minimum)	5m ²	6m ²	7m ²	9m ²	11m ²
Dining area	2m ² per person	2m ² per person	2m ² per person	2m ² per person	2m ² per person

The kitchen and diner combined would be 20.89m². The dining area for a 7 bed HMO should be 14m² and the kitchen area 11m² and so the area combines it below the minimum size by 4.11m².

Given the larger bedroom space for bedroom 2, which adjoins the kitchen and diner, there would be capability to provide a larger kitchen/diner with a reduced bedroom space. As HMO Licensing will also cover this matter separately, this is not a matter for refusal in this instance.

A 6-10 person HMO, would also require the following:

- 2 x bath or shower "wash facility"
- 2 x WCs
- 2 x wash hand basin in each WC
- Important; where WCs are both contained within full bathrooms, a separate WC and wash hand basin will be required Where only one bathing facility is provided in the premises, it must be a bath with a suitable seal and a fixed overhead shower. A fixed shower rail and curtain must be installed.

Bedroom 1-4 would be served by ensuite with a shower, basin and WC. Only bedroom 5 and 6 would have a shared bathroom.

A garden area of 55m² would be retained and would be accessible to all occupiers. This would provide adequate external amenity space for the enjoyment of all occupiers.

Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, 2 objections to the proposal were received.

In this case, the only change to the scheme already approved is the addition of 1 occupier, by changing bedroom 4 to a double occupying room. No physical changes to the structure are proposed and the use as a small HMO for up to 6 occupiers has already been deemed acceptable under planning reference 20250103, and was considered lawful development.

Whilst concerns raised by residents including potential overlooking, and privacy impacts are always considered appropriately, in this case as this application does not change any structural elements of the building, including window position or habitable use, from that already approved. This application would therefore not create any increased overlooking. In terms of potential anti-social behaviour, again it is considered that one additional occupier is not likely to result in such an impact. However, should this application be approved, it would be covered by the submitted HMO management plan which would require a number of obligations that the tenants adhere to; including *'refraining from any conduct that may cause disturbance or discomfort to others in or around the property.'* It states that should the management plan be violated it may result in termination of the tenancy etc..

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Parking and Highways

The proposed development does not provide any car parking facilities. It would provide provision of cycle storage for 7 cycles in the existing shed. There is no scope for parking provision to be provided within the red line plan. As such the HMO would be reliant on the unrestricted on-street parking provision, on-site cycle parking provision, the accessibility to public transport and taxi and private hire vehicles.

To demonstrate the impact this would have on the area, a parking survey was undertaken. It covers three dates (A Monday, Thursday and Friday), one in the late afternoon and 2 in the evening period. It does indicate a high level of on street parking on Trosley Avenue. This is likely due to the lack of off-street parking in the majority of residences on the street.



Nearby Transport Links taken from Parks and Transport Links document

The Parks and Transport Links document also details that the site is in a sustainable area. It is located 1.2 miles from the Gravesend railway station, which provides London, Thameslink, Kent and Medway Links and Ebbsfleet International Services. Nearby bus services are available a short walk from the site, with services to Meopham, Vigo, Southfleet and Instead Rise.

It is considered that single occupiers of the HMO are unlikely to require use of a car for travel. Given the availability of local services, and sustainable transport options, the site is considered to be in a sustainable location, which on balance, would not require parking provision, which is consistent with the approach taken for other similar schemes, in similar sustainable locations close to the town centre. It is also noted that the reality of this scheme is that it would serve one additional occupier than that previously approved under permitted development. The impact on parking availability from one additional occupier is not likely to be significant.

Subject to conditions, adequate vehicle and cycle parking provision would be available in accordance with paragraphs 115 to 118 of the National Planning Policy Framework (2024), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

Biodiversity Enhancement

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

In this instance, the application form indicates that the application is subject to the de minimis exemption and therefore exempt from the requirement for 10% Biodiversity Net Gain. As such no Biodiversity information has been submitted with the application, nor a completed BNG Metric. Given the lack of external changes, this is considered appropriate in this instance.

Conclusion

As the proposed development would extend the number of occupiers the existing HMO as approved and would not create a new HMO from a non-residential building, it would not contribute towards the local housing need and would not affect the five-year housing supply.

The proposed development would result in no external changes and would be considered acceptable in terms of design, character and appearance.

The scheme would also be acceptable in terms of internal and external amenity standards. It is considered that there is capability of providing appropriate kitchen and dining room spaces despite the lack of appropriate space shown, and that as HMO Licensing will also cover this matter separately, that this is not a matter for refusal in this instance.

The proposed development would not result in any significant harm to the residential amenity of neighbouring properties, given the limited nature of the change proposed.

The proposal would be a parking free scheme, with a cycle store for the 7 occupiers. Given the sustainable location, a parking free scheme is considered acceptable in this instance.

In terms of Biodiversity the scheme is considered to be exempt from the required 10% net gain, as it would be de minimis.

Recommendation

On balance, the proposed development is compliant with local and national planning policies. The recommendation is therefore to approve.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
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Signed:		Signed:	
Dated:	29th April 2025	Dated:	02 May 2025