



Appeal Decision

Site visit made on 26 February 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/K2230/W/24/3348519

77A Windsor Road, Gravesend, Kent DA12 5BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Ahad against the decision of Gravesend Borough Council.
 - The application Ref is 20240317.
 - The development proposed is garage conversion to new residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the quality of living conditions for future occupiers with particular regard to privacy and the size of the proposed dwelling.

Reasons

Character and appearance

3. In the surrounding area, residential development shares characteristics of being mainly two storey detached family sized homes, generally with generous front and rear gardens. This contributes to a spacious pattern of development in this area.
4. The appeal site is a large detached dwelling and separate garage set in a large plot. These features make a positive contribution to the spacious character and appearance of the area. A new dwelling has been approved to one side of the plot. Whilst construction did not appear to have started, this would be a detached dwelling with a rear garden and would therefore not alter my findings as to the prevailing character of this area.
5. The proposed development would convert the garage to a dwelling and would subdivide the site to create a separate plot for this proposed house. The plot would include space to the front of the building for car parking, with a narrow side/front garden along the boundary with 77b, another garden space to the south and very limited space between the rear of the property and the boundary.
6. The proposed dwelling and plot size would be notably smaller than others in the area. The space around the building would be limited, with a large portion to the front of the dwelling including space for car parking. There would therefore be a lack of space around the dwelling which would result in this small property appearing cramped within its plot. The materials proposed would be similar to those on the host dwelling and the existing garage. Nevertheless, the scale and

plot size of this small bungalow would not be characteristic in this setting and would harmfully undermine the spacious pattern of development in this area.

7. Therefore, the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to policy CS19 of the Gravesham Local Plan Core Strategy (2014) (CS), which sets criteria to ensure that development conserves and enhances the character of the built environment and integrates well with the surrounding area.
8. Policy CS15 mainly relates to housing density and therefore the policy set out above is more relevant to this main issue.

Living conditions

9. The Nationally Described Space Standard requires that a minimum floor to ceiling height of 2.3m must be provided for at least 75% of the internal area. The submitted sections indicate that the ground floor would not achieve this, with only a small portion of the first floor over 2.3m high. Based on the evidence before me, the proposed dwelling would therefore provide rooms which are undersized in this regard and, notwithstanding their floor areas, would therefore not provide an acceptable standard of living for future occupiers.
10. There is a first floor window to the host dwelling to the side of the projecting front gable which serves a bedroom. The proposed dwelling would include three dormer windows to its front elevation which face towards the existing bedroom window. The proposed window closest to the host property would serve a shower room, and therefore could be obscure glazed and fixed shut. The other two dormer windows would serve the bedroom, the closest would be 17m from the side window of the host property. The proposed southern garden area would be 12m from this existing window.
11. The supplementary planning guidance 2 residential layout guidelines (amended 2020) provides guidance regarding privacy distances. It states that facing windows within a 90 degree field of view of one another should be a minimum of 21m apart. As well as requiring a 21m minimum distance between windows and the private garden area of any dwelling.
12. The proposed dwelling includes side garden spaces. Taking into account the layout of the plot and the limited sizes proposed, although they do not fall within the first five metres of garden adjacent to the rear of the dwelling, these would be the main private garden spaces for the proposed dwelling. The bedroom window to the host property is 12m from this garden space and would have direct views towards it.
13. Furthermore, there would be a reasonably direct line of sight between the proposed bedroom and the bedroom window in the host property at a distance which is sufficiently close to enable views which would be harmful to the privacy of these residents. As such the bedroom of the proposed dwelling would be directly overlooked by the main host property to an unacceptable level. These multiple harms would result in very poor quality living conditions for future occupiers.
14. Consequently, the proposed development would provide inadequate living conditions for future occupiers. Therefore, in this regard, it would be contrary to

Policy CS19 of the CS which in part, requires that new development must safeguard the amenity of its occupants, amongst other things.

Planning Balance

15. The Council cannot demonstrate a 5 year supply of deliverable housing sites and states that it has a 2.9 year supply. Furthermore, the delivery of housing was substantially below the housing requirement over the previous three years. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework 2024 (Framework) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
16. Policy CS14 of the CS expects new housing development to provide a range of dwelling types and sizes taking into account the existing character of the area. Given my findings with regard to character and appearance, this policy does not provide support for the proposed development. Nevertheless, the proposed one bedroom house would contribute to a range of dwelling types and sizes in this area and this is a positive benefit of the development proposed.
17. The appeal scheme would provide one new dwelling in an urban area where there is a shortfall in the delivery of housing. The number of dwellings on site would increase and this would be an efficient use of land. There would also be associated social and economic benefits. The proposal would use brownfield land within a settlement for homes and I give substantial weight to the value of using such land. The proposed development would therefore direct development to a sustainable location and support the Government's aims to boost the supply of homes. Nevertheless, taking into account the scale of the development, this results in important but modest benefits.
18. The main parties have not identified harm with regard to biodiversity net gain nor the living conditions of existing occupiers. However, the lack of harm in these regards are neutral factors that do not weigh in favour of the development.
19. On the other hand, for the reasons set out above the proposed development would result in harm to the character and appearance of the area. Furthermore, taking into account the desirability of maintaining this area's prevailing character and setting and the importance of securing well designed, attractive places, overall, the development would not be an efficient use of land. Additionally, it would provide an inadequate quality of living conditions for future occupiers with regard to both privacy and living space which would not result in a high standard of amenity for future users, safeguard and improve the environment and ensure safe and healthy living conditions. Therefore, it would not be an effective use of land nor would it secure well-designed places. Together, this harm would be substantial, including in terms of paragraph 125c of the Framework.
20. Therefore, these substantial adverse effects would significantly and demonstrably outweigh the modest benefits set out above when assessed against the Framework taken as a whole and having particular regard to key policies.

Consequently, the presumption in favour of sustainable development would not apply in this case.

Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA)

21. The SPA is a habitats site that has a high level of protection. It is designated due to the presence of wetland and it supports important numbers of wintering waterbirds and migrating birds. The appeal site is within 6km of the SPA where, without any mitigation in place, in combination with other plans and projects the Council state that there would be a likely significant effect on the interest features of the site from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR