



Delegated Report

Planning Application

Planning Application No: 20241057

Location: Flat 1 19 Edwin Street Gravesend Kent

Description: Replacement of basement door with window. Installation of railings to lightwell.

Applicant: A & E Property

Site Visit Date: 16/01/2025

Submitted Documents/Plans

- Application form;
- Site Location Plan;
- Block Plan;
- Drawing no. 01 – Existing Basement Floor;
- Drawing no. 01 – Proposal Basement Floor
- Drawing no. 02 – Existing Ground Floor;
- Drawing no. 02 – Proposal Ground Floor;
- Drawing no. 03 – Existing Elevations;
- Drawing no. 03 – Proposed Elevations; and
- Design & Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20180047	Application for the approval of condition 5 attached to planning permission reference no. 20160451 relating to the positioning of the windows within the opening and details of the rendered window cills.	Approved	22.03.2018
20160451	Application for minor material amendment and removal of condition 5 to planning permission reference number 20110399 conversion of ground floor into a one bedroom self contained flat; to allow double glazed slimlite sash windows and condition 5 to be removed.	Permitted	07.03.2017
20110399	Conversion of ground floor into a one bedroom self contained flat.	Permitted	11.07.2011
20110082	Conversion of ground floor into a two bedroom self contained flat.	Refused	14.04.2011

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
- TC3 – Development Affecting Conservation Areas

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.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, states that with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- King Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)
- Conservation Areas Maintenance/Replacement Windows and Doors Guidance Supplementary Planning Document (2020)
- Conservation Areas Maintenance/Replacement Windows and Doors Guidance Supplementary Planning Document (2020)

Consultations, Publicity and Representations

Consultees

No response from:
GBC Conservation Officer

Neighbouring properties

7 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 03.01.2025 – no responses received.

Officer's Analysis

Procedural issues

The description of the proposal on the application form is:

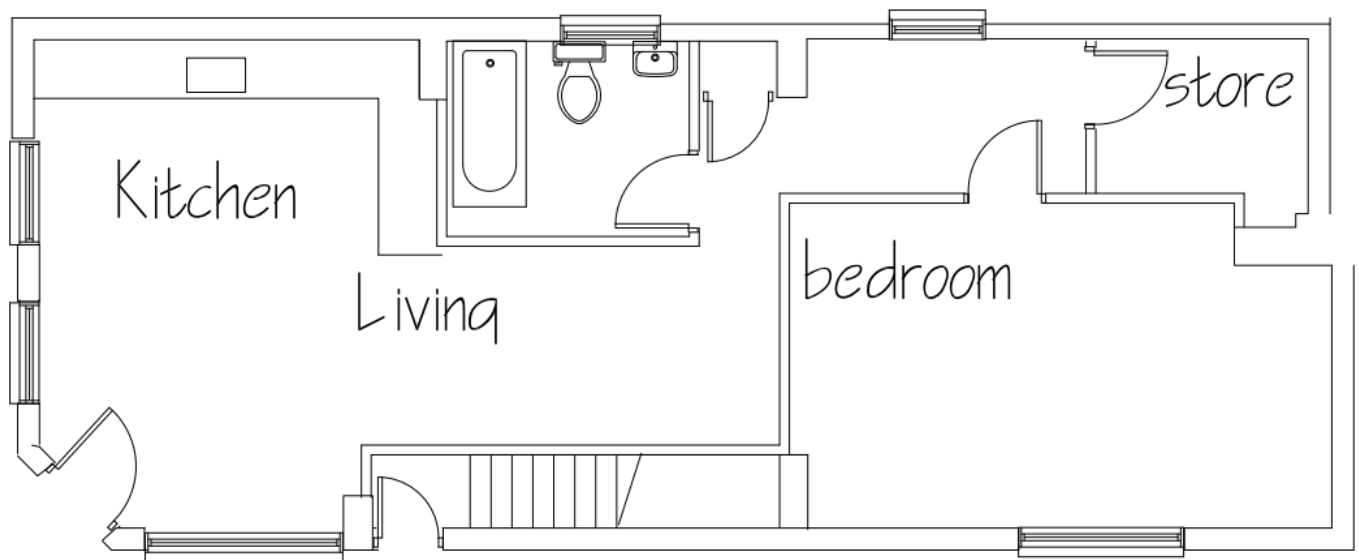
'Install of lightwell to allow occupation of the basement'.

The application has been booked in by the Local Planning Authority with the following description:

'Replacement of basement door with window. Installation of railings to lightwell.'

It is considered that as the description by the applicant on the application form more accurately describes the proposal this is what the application will be determined on.

On the application form it is stated that the current use of the site is 'Ground floor and basement flat (Class C3)'. It is noted from a review of the planning history for 19 Edwin Street that planning permission has not ever been granted for a flat at both basement and ground floor levels, however nor any residential use of the basement at all. The building was originally a public house with accommodation on the first and second floor levels. Planning permission was granted in 2011 under application ref. 20110399 for 'Conversion of ground floor into a one bedroom self contained flat' but permission has not ever been granted for conversion of the basement. For reference the approved floor plan for application ref. 20110399 is:



From the existing basement floor plan submitted with the current application it can be seen that the basement is used as two recreation rooms and a bedroom 3. It is proposed to retain this layout at basement level and a lightwell is also sought (which would provide natural light to bedroom 3). The ground floor is shown with a completely different layout to what was approved under the 20110399 permission including amongst other things layout, that the basement has now been incorporated into the ground floor flat and that it has been increased from one bedroom to three bedrooms.

The basement is therefore currently being used without the benefit of planning permission and the ground floor flat has not been implemented in accordance with the approved plans granted (ref. 20110399).

The agent was written to on 21/01/2025 to advise that the ground floor flat was not carried out in accordance with the approved plans and that in any case the Local Planning Authority would not support the use of the basement with two habitable rooms having no natural light (both recreation rooms). The applicant was given the opportunity to withdraw the application. No formal evidence has been submitted which regularises the use of the basement, just an existing Certificate of Lawfulness.

The agent responded on 22/01/2025 and attached the application form for application ref. 20160451 which was for 'Application for minor material amendment and removal of condition 5 to planning permission reference number 20110399 conversion of ground floor into a one bedroom self contained flat; to allow double glazed slimlite sash windows and condition 5 to be removed.' The agent referred to page 2 which

he states is the Council confirming that the permission has been lawfully implemented and therefore finds the assertion that it has not troubling and asks the officer to review. On page 2 of the application form for application ref. 20160451 which the agent attaches it has been written that 'Mr Gilbert agreed that the permission has been lawfully implemented as such consenting for this application to be considered.' From looking at the file for ref. 20160451, it can be seen that there was correspondence between the planning agent and the Planning Manager at the time. The planning agent was seeking clarification from the Planning Manager whether ref. 20110399 had been implemented and stated that the kitchen had been fitted and insulation and boarding out of the flat had taken place; the agent attached photographs and also attached a completion certificate from Council Tax and a Full Plans Approval Notice from STG Building Control. In response the Planning Manager advised that he agreed the permission had been implemented. There is no other evidence which supports this claim, but nonetheless, of the email was taken as evidence, it can only be factual for that moment in time. The basement could have been incorporated into the flat at any time since that email was written.

The fact remains that planning permission has not ever been granted for the flat as has been carried out at basement and ground floor levels. The Planning Manager does not make any reference to any change to layout of the approved flat under ref. 20110399, any change would have required an application for an amendment to the original planning permission and no application for amendment to the ground floor layout and/or incorporation of the basement into the flat has ever been permitted.

In respect of the basement the agent agrees that the 20110399 was silent on the matter of the basement but states that it is reasonable to argue that the basement became part of the residential use of the building when planning permission was granted for the change of use of the ground floor which eradicated the commercial use, otherwise the Council is effectively saying his client could lawfully open up a pub in the basement. The agent also states that in any case as the Planning Manager advised that the ground floor had been lawfully implemented then the extension of the flat into the basement would not have been prohibited by either planning permission and would not have amounted to development. As stated, the basement was not part of application ref. 20110399 and no permission has ever been granted for use of the basement for residential purposes.

As the agent did not wish to withdraw the application it will be determined as submitted. The agent may wish to formally obtain confirmation as to the immunity of the basement from Planning Enforcement, through the submission of an Existing Lawful Development Certificate by providing evidence which supports this use.

Assessment

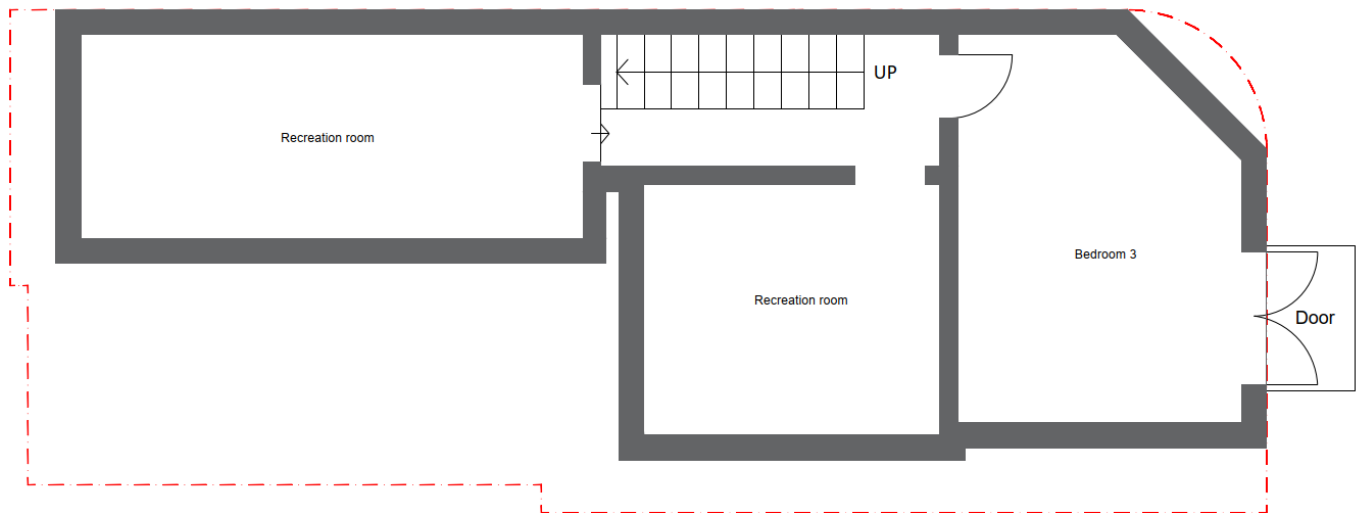
19 Edwin Street is a three storey building plus basement situated on the corner with Wellington Street. It was previously a public house with accommodation at first and second floor levels. In 2011 planning permission was granted for 'Conversion of ground floor into a one bedroom self contained flat.' (ref. 20110399). The site is located in the King Street Conservation Area.

The proposal is to remove the existing hatch doors to what was the pub basement and install a lightwell with railings and change the basement door to a window to allow occupation of the basement. The lightwell would be 1.6m in width and 0.97m in depth and the railings around it would extend 4.1m in width, 1.9m in depth and would have an overall height of 1.2m; it is stated that they would be black painted steel railings. The existing basement door would be removed and replaced with a uPVC window to match existing.

The proposal is as follows:

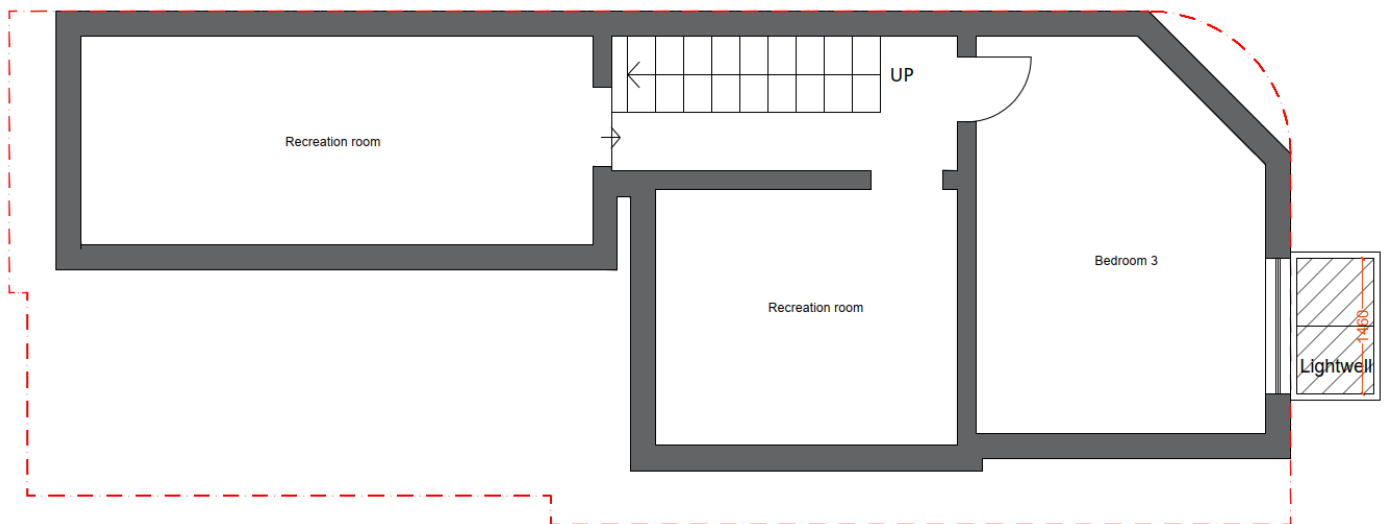
Existing & proposed basement floor plans

Existing



Basement Floor Plan

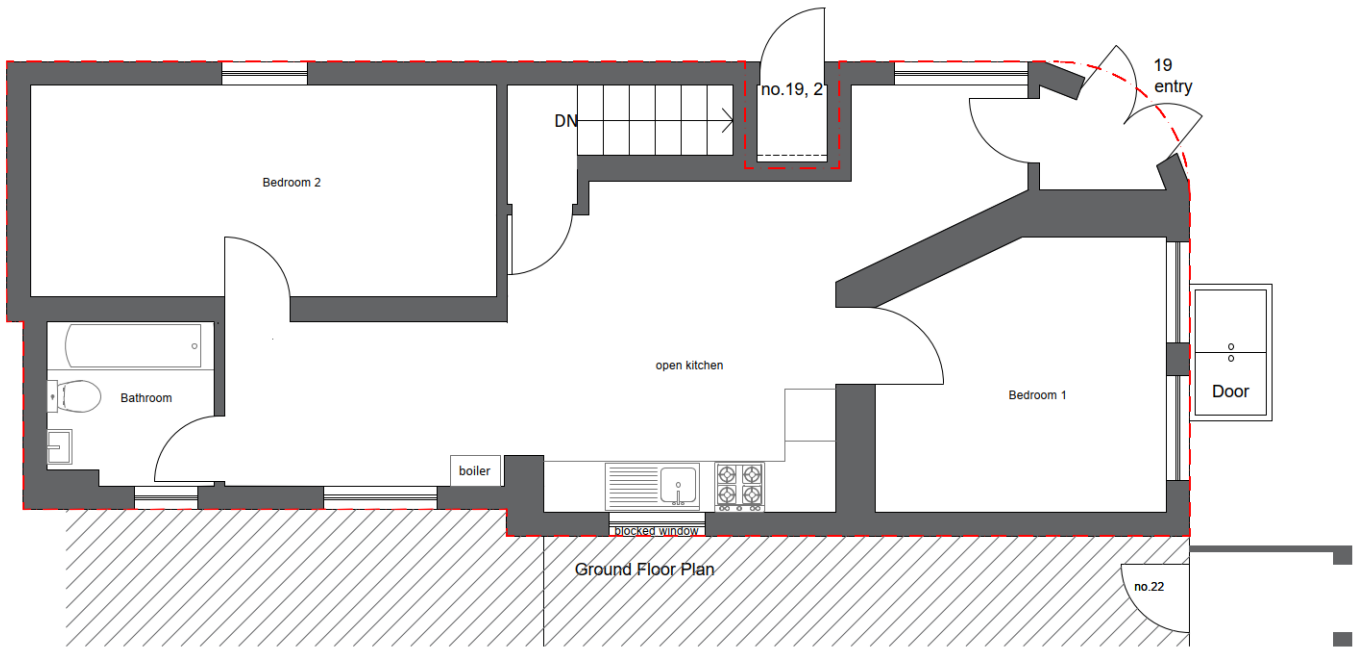
Proposed



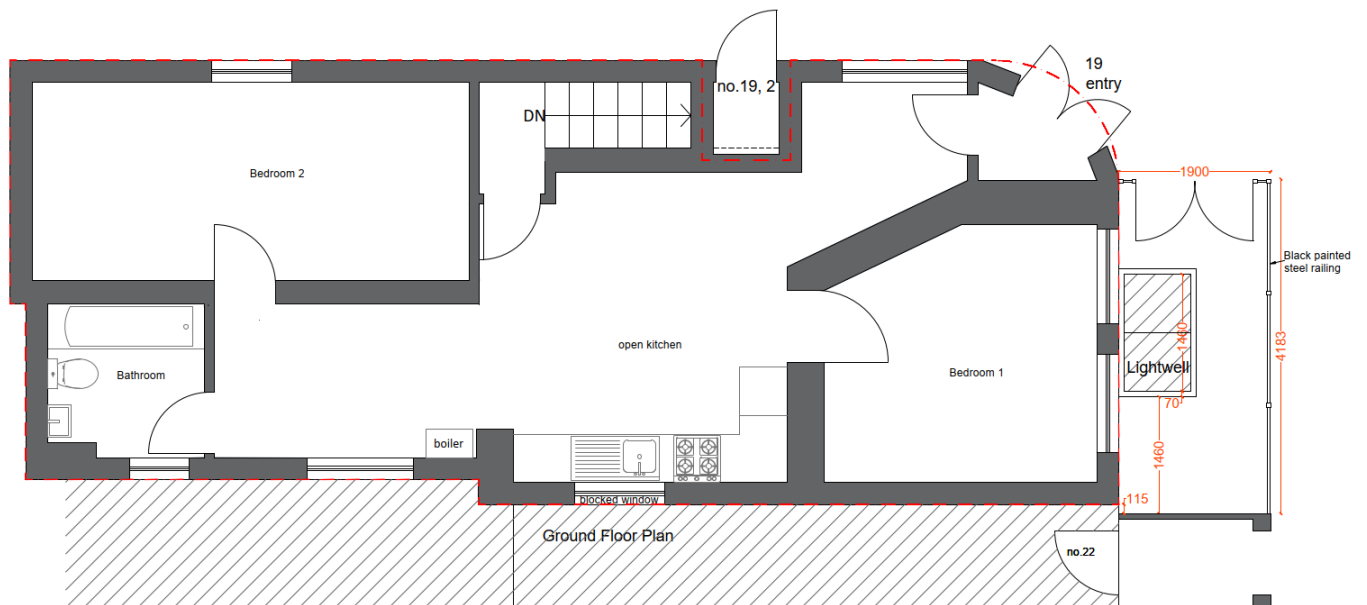
Basement Floor Plan

Existing & proposed ground floor plans

Existing

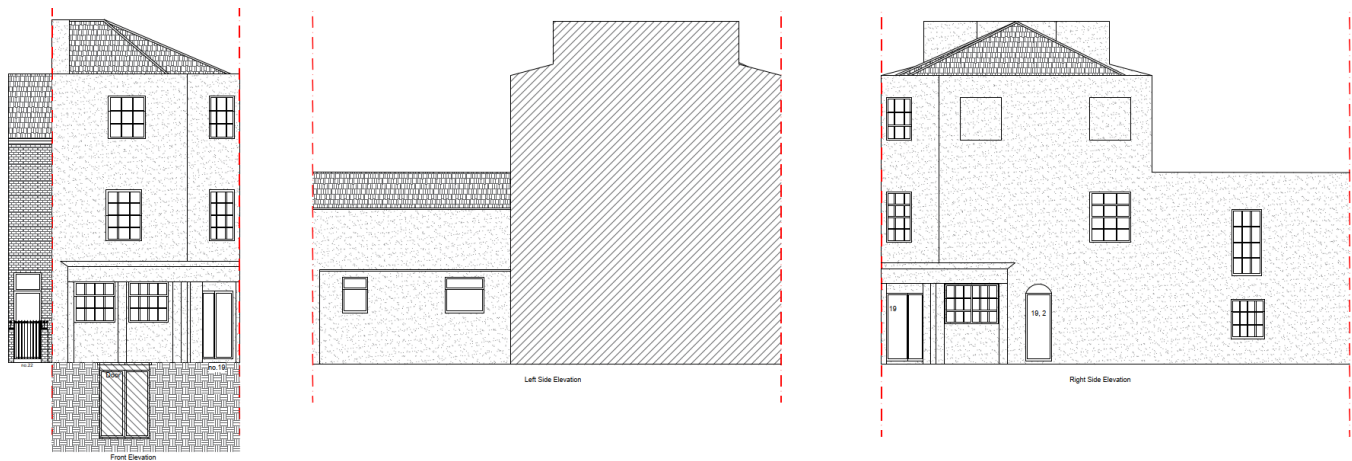


Proposed

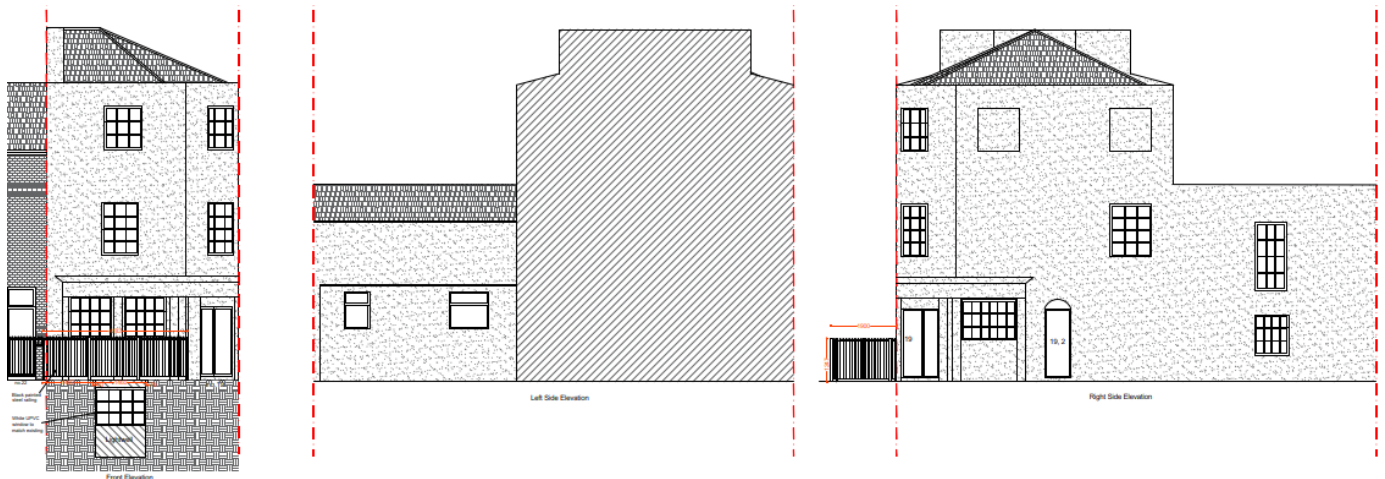


Existing & proposed elevations

Existing



Proposed



The principle issues in the assessment of the application are as follows:

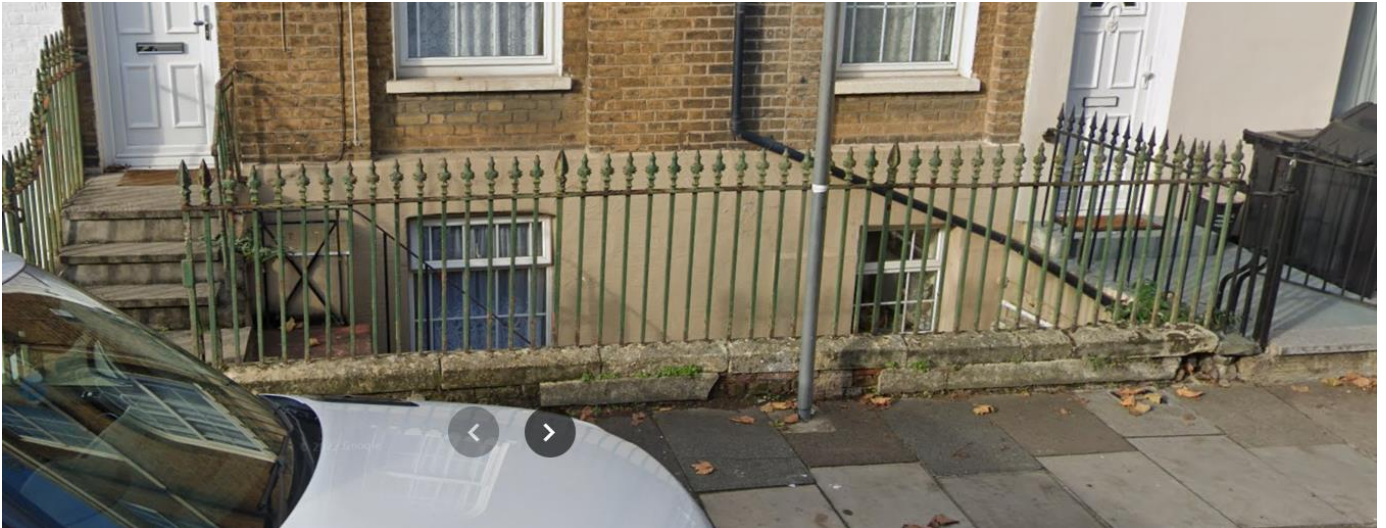
Design, Character, Appearance and whether the proposal would preserve the character or appearance of the King Street Conservation Area

There is no objection to the insertion of a lightwell, there are already the existing hatch doors to what was the basement of the pub so there is already an opening in this location and the lightwell would be the same size as the existing hatch doors. The uPVC window is considered acceptable as it would be at basement level and would therefore have limited visibility in the streetscene.

The railings would cover a wider area essentially forming a front boundary to the site which would not look out of keeping as it would bring the frontage in line with the other properties on this side of Edwin Street. However, the railings are not of traditional in design, as no dwarf wall is proposed so the intermediate posts would be fixed directly into the pavement with the railings themselves all connected to a horizontal bar just above the pavement. Given that the site is located in the King Street Conservation Area more traditional railings would be expected. As the building is not listed, it would not be expected for each railing to be individually set into a dwarf wall as traditional railings would have, and a more modern interpretation whereby just the intermediate posts are set within a dwarf wall whilst the railings are fixed to a horizontal bar running along the bottom would be acceptable. However, in this case there would be no dwarf wall at all and with the intermediate posts being directly fixed into the pavement would not be acceptable. It is considered that the railings that are proposed would not be in keeping with the age or character of the building and the proposal would not preserve the character or appearance of the King Street Conservation Area.

When one looks along Edwin Street there are many other examples of railings and these are in the main original or traditional railings that are set into dwarf walls. There are a few examples of railings set directly into the pavement with no dwarf wall but these are considered to show the harm that can be caused from these modern interpretation of traditional railings that are not sympathetic to the age or character of the period buildings that they stand in front of.

Examples of original/period/traditional railings in Edwin Street set within a dwarf wall:



At the new building which has been built next door to the application site in its former pub garden, the front boundary railings even a wall underneath them which the supports are set into:



Inset detail:



With no dwarf wall proposed at all in this proposal this is clearly not acceptable.

With the application building being a period building in the Conservation Area it is considered even more important that the railings at least have a dwarf wall and the supports do not just go directly into the pavement.

It is therefore considered that although a light well with railings surrounding it would be acceptable in principle, the proposed railings are not acceptable. Had permission been forthcoming the applicant would have been asked to amend the plans to show the intermediate posts set into a dwarf wall but due to the issues with the proposal in respect of occupier amenity (please see below) the applicant was not asked to amend the plans in this way.

In summary in respect of design, character, appearance and heritage the proposal by virtue of the design of the proposed railings would introduce incongruous and unsympathetic railings which would not be in keeping with the age or character of the host building. As such the proposal would not preserve the character or appearance of the King Street Conservation Area but would cause harm to it. In this respect the proposal would be contrary to Policies CS19 and CS20 (LPCS), saved Policy TC3 (LPFR) and sections 12 and 16 of the NPPF (2024).

Amenity of Occupiers

As stated, the basement is currently being used as part of the ground floor flat without the benefit of planning permission and the ground floor flat has not been built in accordance with the approved plans under ref. 20110399. The basement is currently being used as two recreation rooms and bedroom 3. The basement does not have any natural light at all currently, but this proposal seeks to install a lightwell and window to allow occupation of the basement. The proposed lightwell and window would provide natural light to bedroom 3 which is welcome, however the two recreation rooms would still have no natural light. It would not be acceptable to have habitable rooms at basement level with no natural light as this would provide completely unacceptable living conditions for existing and future occupiers. The two recreation rooms would be dark and unappealing and always rely entirely on artificial light. The ground floor element

of the flat has been reconfigured from its original approval to provide a kitchen area, bathroom and two bedrooms, with a third bedroom and the recreation rooms located in the basement. The recreation rooms must be considered as living areas, as these are no longer provided at ground floor. As such it would not be appropriate to have living spaces with no natural light, which fails to safeguard the amenity of future occupants.

In respect of the amenity of occupiers it is therefore considered that the proposed development would provide extremely poor living conditions for existing and future occupiers of the flat with regard to sunlight and daylight and would therefore be contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Any Other Material Planning Considerations

None.

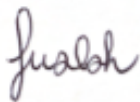
Conclusion

The proposal would not be in keeping with the age or character of the building and would not preserve the character or appearance of the King Street Conservation Area and it would also be unacceptable in respect of occupier amenity as it would provide extremely poor living conditions for existing and future occupiers of the flat with regard to sunlight and daylight. As such the proposal is contrary to Policies CS19 and CS20 (LPCS), saved Policy TC3 (LPFR) and sections 12 and 16 of the NPPF (2024).

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	22 January 2025	Dated:	23 January 2025