



Delegated Report

Full Planning Application

Application No: 20231183

Location: 77A Windsor Road, Gravesend, Kent, DA12 5BW

Description: Erection of a new dwelling.

Applicant: Mr Abdul Ahad

Site Visit: 26th October 2023

Submitted Documents/Plans

- Application Form - dated 22 November 2023;
 - Design and Access Statement - dated November 2023;
 - Supplementary Information - Arboricultural Impact Assessment (ref. CAS/2021/120) by Cantia Arboricultural Services - dated October 2022;
 - Supplementary Information - Site Photographs (1-5);
 - Supplementary Information - 3D Visualisations (1-4);
 - Supplementary Information - Pre-Application Report;
 - Drawing no. 7138-001 - Existing Site Location and Block Plans;
 - Drawing no. 7138-100 - Existing Site Plan;
 - Drawing no. 7138-101 - Existing Floor Plans;
 - Drawing no. 7138-110 - Existing Elevations 1 (Front and Rear);
 - Drawing no. 7138-111 - Existing Elevations 2 (Sides);
 - Drawing no. 7138-200 - Rev. A - Proposed Site Plan;
 - Drawing no. 7138-201 - Proposed Floor and Roof Plans;
 - Drawing no. 7138-210 - Proposed Elevations 1;
 - Drawing no. 7138-211 - Proposed Elevations 2.
- ~~Drawing no. 7138-200 - Proposed Site Plan - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20191248	Erection of two storey side and rear extensions.	PERMITTED	07.02.2020
20190957	Erection of a two-storey rear and side extension.	REFUSED	12.11.2019
20190764	Single storey rear extension with a depth of 4 metres, maximum height of 3 metres and eaves height of 3 metres.	PRIOR APPROVAL NOT REQUIRED	30.08.2019
19960204	Erection of a detached two storey dwelling and a detached double garage with hobby room and w.c. in the roof space.	PERMITTED	12.06.1996

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Development Plan

Gravesham Local Plan Core Strategy (September 2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving Well-designed and Beautiful Places
- Section 15 - Conserving and Enhancing the Natural Environment

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)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

External Consultees

KCC Heritage (from withdrawn application 20230913) - The site lies within an area of multi-period background archaeological potential. However, I consider it unlikely that these relatively limited proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Internal Consultees

GBC Environmental Protection (Regulatory Services) (from withdrawn application 20230913) - No objection to this application. The following conditions and informatives are recommended.

- *Watching Brief:* The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.
- *Code of Practice on Construction and Demolition:* Please apply as appropriate to minimise the impact of the construction on nearby dwellings.
- *Smoke Control Informative:* The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk.
- *Drainage/sewerage informative:* The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC Highways - I have no objections the proposal is situated in a large plot with adequate car park. However, to comply with the requirements of SPG4, one secure cycle parking space is required per bedroom. As I do not see any outbuildings a cycle parking plan is required, and it would also be beneficial to also have a car parking plan, so the provision can be conditioned and protected.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 16th January 2024.

In addition, six surrounding properties were consulted and one representation was received. The neighbour registered objection to the proposal, providing both material and non-material planning considerations.

Material Planning Considerations:

- Cramped form of development
- Out of scale with surrounding dwellings
- Poor design
- Loss of privacy / overlooking
- Impact the highway network
- Impact on biodiversity / wildlife

Non-Material Planning Considerations:

- Loss of property value
- Impact arising from building works

Please note – only the material planning considerations are relevant to this decision.

The consultation period expired 6th February 2024.

Officer's Analysis

Site Description

77A Windsor Road is a large detached property location on a generous plot of land, set back from the highway. The property is a backland development which was constructed in the late 1990s and lies within the Urban Area of Gravesend.



Proposed Development

This application proposes the subdivision of the curtilage and the erection of a single dwelling. The proposed dwelling will have a similar design to 77A Windsor Road with a two storey front gable projection, similar fenestration and character, but at a smaller scale.

The approximate dimensions of the proposed dwelling are:

- Depth - 14.05m
- Width - 9.15m
- Max Height - 8.2m
- Eave Height - 5.4m
- Footprint - 111.9m²



The proposed dwelling, on ground floor, would have an entrance hall, a lounge, reception room, bathroom and an open plan kitchen/diner at the rear. There would be bifold doors at the rear providing access to the garden area. At first floor there will be three bedrooms, one family bathroom and two ensuite bathrooms. There are no flank windows proposed at first floor level.

Principle of Development

The principle issues for consideration with this application are as follows:

- Housing Need
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised 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) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- 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
- 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 NPPF paragraph 182)
- 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 68)
- 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 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.

The proposed development for a net increase of '1' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

The proposed dwelling would be constructed in a back land site, set back from the edge of the highway by some 54m. This distance from public vantage point and the front boundary wall means that visibility of the new dwelling would be limited. Notwithstanding this, the new dwelling has been designed to match the existing property in terms of materials, fenestration and proportions such as height and roof pitch, which is considered to be good design strategies.

Although the side garden of 77A Windsor Rd is not significant, by virtue of the existing properties position on the site, the new dwelling is narrower and is not considered to be cramped due to the design strategy. Moreover, the character of the area is made up of backland infill developments with properties of varied design and architectural qualities, and therefore the new dwelling would not have a negative impact on the character.



Overall, the new dwelling is considered to be well-designed with features that match the existing dwelling and would have no impact on the character of the existing dwelling or wider streetscene. Therefore, the proposed is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023) in terms of design.

Amenity of Future Occupiers

Proposed Dwelling

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' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) sets out minimum gross floor areas for a two storey, three-bedroom dwelling. These figures vary depending on the number of persons occupying the dwelling. In this case the plans demonstrate that all bedrooms would be double and therefore would have a maximum capacity of 6 persons:

Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
3 (6 person)	102m ²	196.4m ²

Table 1 - Floor Area Breakdown

The table above demonstrates that the proposed dwelling would comply with the minimum floor space in accordance with the National Space Standards (2015). Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the dwellings.

	RLG (minimum floor area)	Proposed Room Size
Lounge	13.2m ²	22.5m ²
Kitchen/Diner	12m ²	39.2m ²
Reception Room	13.2m ²	14.1m ²
Bathroom	3.6m ²	5.6m ²
Double Bedroom	11.5m ²	25.9m ²
		13.45m ²
		16.6m ²
Bathroom	3.6m ²	8.9m ²
Ensuite Bathroom	3.6m ²	4.2m ²
		4.6m ²

Table 2 - Room Size Breakdown

Table 2 demonstrates that all rooms within the dwelling meet the guidance within the RLG, and therefore the development would provide a good quality living environment for future occupiers. In terms of amenity space, the new dwelling would have a garden area of 224m² and an overall depth of 15.7m, which is in accordance with the requirement set out in Gravesham's RLG. Therefore, the occupiers of the new dwelling would have adequate private amenity space and a condition relating to hard and soft landscaping would be attached to the decision notice.

The proposal will provide acceptable living conditions for future occupiers, sufficient private amenity space as well as good levels of natural lighting and ventilation. As such, the development is considered to safeguard the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Existing Dwelling (no. 77A Windsor Rd)

The application property is a five bedroom detached dwelling. The proposed development will significantly reduce the side garden area of the dwelling but would retain a maximum depth of 16m and an area in excess of 400m². Gravesham's RLG states that the minimum garden area for a five bedroom property

should be 100m² and a minimum depth of 10m. Therefore, the proposed development would safeguard the amenity of existing and future occupiers of 77A Windsor Road.

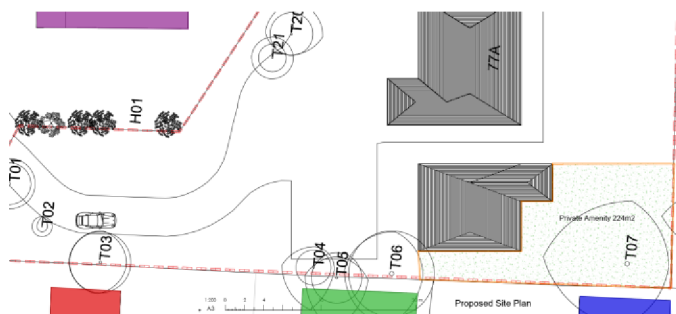
Conclusion on Future Occupier Amenity

The proposed development is considered to provide acceptable levels of amenity for future occupiers of both the host dwelling and the new property. Therefore, the development safeguards future occupier amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

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 135(f) of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

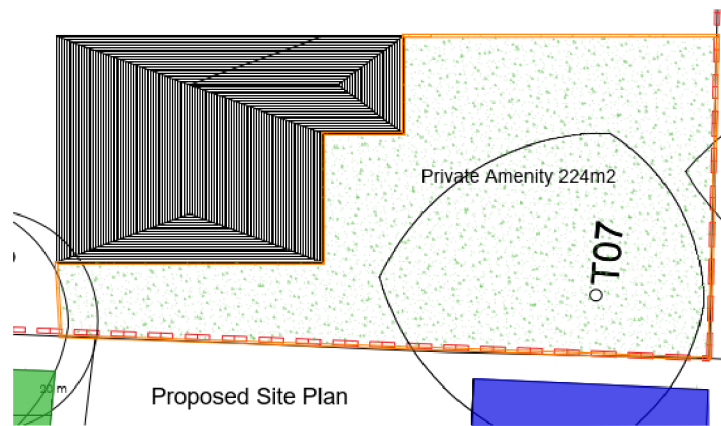
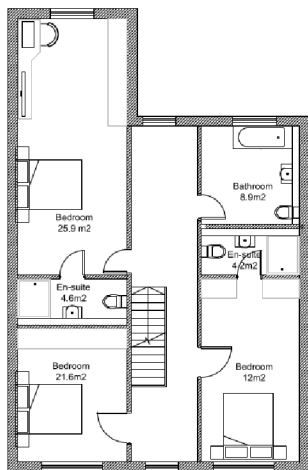
The proposed dwelling is an infill development, on a narrow plot adjacent to the existing property, which itself was a backland development. The site is surrounded by properties, with three dwellings adjoining the site on its western boundary and one to the north-east.



The property adjoining the site to the south-west (3 Treetops - highlighted blue) has two flank windows at first floor level facing into the site. These are secondary bedroom windows and therefore this raises concerns with overlooking and potential outlook impacts for a habitable room.



As demonstrated in the screenshot below, the new dwelling has been orientated with the rear gable projection to the eastern edge, which creates an oblique angle from the new dwellings bedroom window to the neighbours, and this overcomes any overlooking or loss of privacy. The windows on the main body of the new dwelling serve a bathroom and a landing respectively, which by virtue of the distance and angle could overlook the neighbour's bedroom, however these will be conditioned to ensure that the windows are fixed shut and obscure glazed to safeguard amenity.

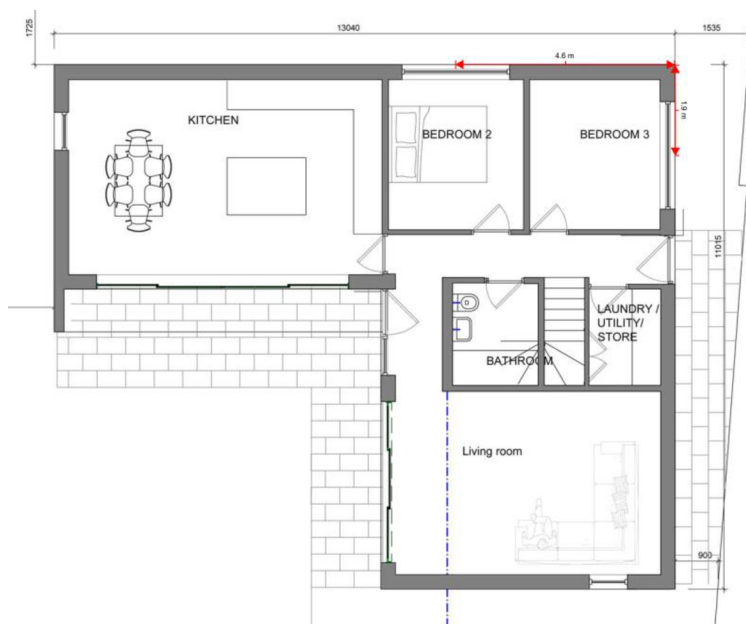


The positioning of the proposed dwelling and the neighbour, to the south, would mean that there would be no detrimental loss of light by virtue of the sun's path and the distance of 7.8m between the two buildings.

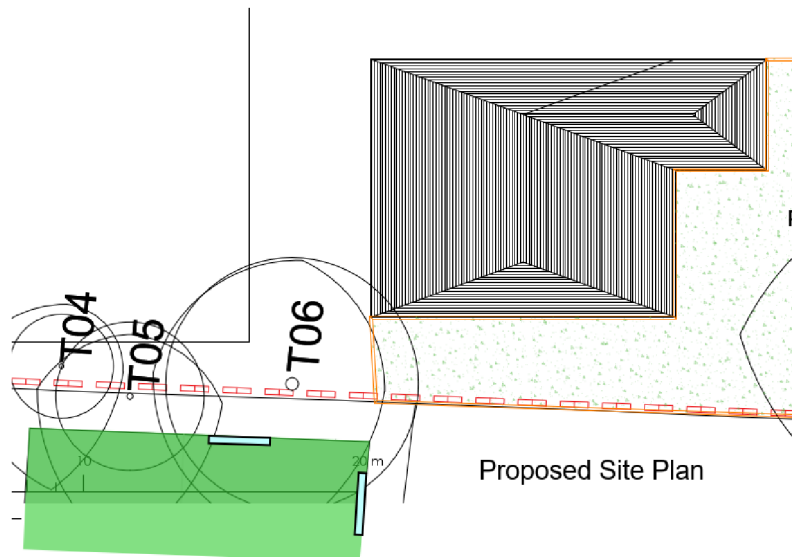


(suncalc.org – 1pm 22nd June 2024)

The neighbouring property (1 Treetops - highlighted green) is a chalet bungalow. The property is surrounded by high level boundary treatments facing the application site, however does have two bedroom windows facing east and south respectively.



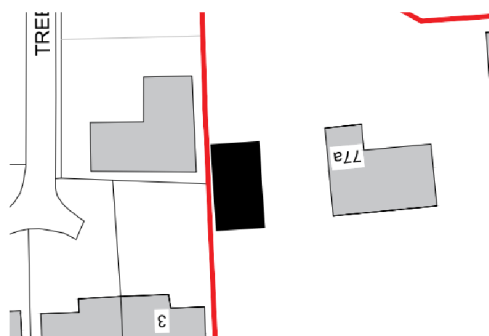
Due to the windows serving habitable rooms, they are required to receive adequate natural light and not be overshadowed. The new dwelling would be 3m from the shared boundary and 1.45m from the eastern bedroom window (bedroom 2). The window serving bedroom 3 faces south, and is perpendicular to the new dwelling, at a distance of approx. 2.55m from the boundary. The image below has been annotated to show the approximate position of the windows in relation to the proposed dwelling:



1 Tree Tops would not be impacted by any overlooking or loss of privacy from the new dwelling. The front windows on the new dwelling would be at oblique angles and not impact on the privacy of bedroom 2. Similarly, there are no flank windows on the new dwelling that would look into bedroom 3 and the garden of the neighbour is set to the west of the front projection which would screen any overlooking from the new dwelling. In terms of outlook, the two bedroom windows face directly onto boundary walls of approx. 2m and therefore have poor outlook that would not be impacted by the new dwelling. The eastern window is 1.45m from the boundary wall and the southern window is 1.4m from a detached garage.

In terms of light, the proposed dwelling is set back from the eastern window by approximately 4.6m (from the centre point). This set back and the distance of 4.45m from the window limits the impact of overshadowing onto bedroom 2. Similarly, the southern facing window would receive natural light by virtue of its orientation. Moreover, due to the proximity to high-level boundary treatments and other built development, these windows will receive poor levels of natural lighting.

Notwithstanding this, a material planning consideration would be the permitted development rights of the host dwelling, which would enable the erection of a detached outbuilding on the flank boundary (as demonstrated in the annotation below), at a maximum height of 4m and would have a greater impact on natural light for 1 Tree Tops, than that of the dwelling hereby proposed.



The property to the north-west of the proposed dwelling is 77 Windsor Rd (highlighted in red). This dwelling is approx. 32m from the front wall of the proposed dwelling and is therefore not impacted through any loss of light or outlook. The distances between the dwellings also accords with Gravesham's RLG requirement

for window-window distance over a private garden of 26m and will not impact on privacy.

The final property to the north-east of the proposed dwelling is 77B Windsor Rd (highlighted in purple). This property is approx. 28m from the front wall of the new dwelling and similar to 77 Windsor Rd is at an oblique angle from the proposed dwellings front bedroom windows, which front onto the neighbour. There would be no overlooking as a result of the distance exceeding 26m, and the distance between the building means there would be no overshadowing and no impact on outlook.

Within the objection received by a neighbouring resident, the following material planning considerations were raised:

- Cramped form of development
- Out of scale and character with surrounding dwellings
- Poor design
- Loss of privacy / overlooking
- Impact the highway network
- Impact on biodiversity / wildlife

The design, scale and cramped form of development have been considered in earlier sections of this report. The privacy and overlooking concerns have been assessed in this section of the report. The final two concerns, relating to highways and biodiversity will be considered later in this report.

Overall, the proposal is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

There are no parking or highway issues related to this proposal. The site benefits from adequate space for vehicular parking for both the existing and proposed dwellings, in accordance with Gravesham's adopted parking standards (SPG4) (2006).

The proposed dwelling is not expected to increase vehicular movements within the area significantly. As a four bedroom dwelling, based on SPG4 only two additional parking spaces are required and therefore, the impact on the highways network and traffic generation are low. As such, the proposal is in accordance with Policy CS11 (Transport) (LPCS).

Any Other Material Planning Considerations

Waste Management and Refuse

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The plans do not demarcate a bin store nor state the quantity of bins proposed. However, there is adequate space to the front of the building to accommodate bins, which would be dragged by occupiers to the edge of the highway on collection days. Therefore, if permission were forthcoming, planning conditions could address any concerns with refuse or bins.

Ecology and Biodiversity (Bird Mitigation)

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes)

and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05.

The applicant has paid the SAMMS Mitigation Contribution Agreement and therefore meets the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 185 and 187) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Biodiversity Net Gain

The NPPF (Section 15) seeks to ensure that any development result in a biodiversity net gain. This application proposes the erection of a new dwelling on a section of lawn to the side of the host dwelling, which offers little biodiversity opportunity. The plans show that a number of trees will be retained on the site, however it is noted that since the arboricultural report was commissioned that tree felling has occurred. This was prior to this application being submitted, however does represent a loss of biodiversity and potential impact on wildlife. Therefore, a condition will be attached to the decision notice to ensure that suitable hard and soft landscaping schedules are submitted to, and approved in, writing by the Local Planning Authority, which will ensure that suitable landscaping and biodiversity opportunities are provided.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The proposed dwelling has been designed with similar features to the existing property on the site and would have no impact on the street scene. It provides acceptable living conditions for future occupiers, safeguards the amenity of surrounding residents, is acceptable in highway terms and will mitigate against the impact on the RAMSAR site.

Therefore, it is recommended that planning permission is granted, subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	7 th February 2024	Dated:	8 th February 2024