



Delegated Report

Planning Application

Planning Application No: 20220727

Location: 17 - 19 Perry Street Northfleet Gravesend Kent

Description: Erection of first floor rear extension incorporating an external staircase to facilitate sub-division of first floor into 1 no. one bedroom flat and 1 no. one bedroom maisonette; erection of single storey infill rear extension to provide bathroom and flat entrance; erection of detached two storey triple garage with open pedestrian access and bin storage at ground floor with storage at first floor level

Applicant: Mr Parminder Bains

Site Visit Date: 26 October 2022

Submitted Documents/Plans

- Application form;
- Drawing no. 0106 01 – Site Location Plan;
- Drawing no. 0106 02 – Existing Floor Plans & Roof Plan;
- Drawing no. 0106 03 – Existing Front & Rear Elevations;
- Drawing no. 0106 04 – Existing Side Elevations;
- Drawing no. 0106 10 – Proposed Floor Plans;
- Drawing no. 0106011 – Proposed Roof Plan;
- Drawing no. 0106 12 – Proposed Elevations;
- Drawing no. 0106 13 – Proposed Elevations;
- Drawing no. 0106 100 – Block Plan; and
- Drawing no. 0106 DRAIN – Proposed Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20061013	Erection of a detached two storey building to provide three covered parking spaces at ground floor level with storage over.	Permitted	12.01.2007
19940639	Change of use of retail shop to licensed betting office.	Permitted	30.03.1995
19770514	Erection of single storey extension at rear of shop to form store	Permitted	28.07.1977

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and the Hierarchy of Centres

- 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 (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11- Making efficient use of land
- 12 – Achieving sustainable development and well-designed places

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- 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 63); 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 123(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.

Supplementary Planning Guidance

- 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

Consultees

As presented, I consider this proposal unacceptable.

1. Cycle parking, with the first floor being divided into two, there should be a secure cycle parking space for the second flat.
2. The proposed parking barn (open garage) does not conform to guidance in SPG4:

B8. The preferred sizes for parking bays in Kent provided as part of development proposals are:

	Length	Width
Parking Bay Size for Powered Two-Wheelers ⁽¹⁾	2.5m	1.5m
Parking Bay Size for Cars ⁽²⁾	5.0m	2.5m
Parking Bay Size for People with a Mobility Handicap	5.5m	3.6m
Parking Bay Size for Light Goods Vehicles	7.5m	3.5m
Parking Bay Size for Minibuses ⁽³⁾	8.0m	4.0m
Parking Bay Size for Coaches ⁽³⁾	14.0m	4.0m
Parking Bay Size for Rigid Heavy Goods Vehicles	12.0m	3.5m
Parking Bay Size for Articulated Heavy Goods Vehicles	16.0m	3.5m
Notes: 1. A minimum space of 1.0m should be allowed between each motorcycle. 2. Where car parking spaces are provided parallel to, and abutting, a carriageway, aisle or drive the preferred bay size should be 6.0m x 2.5m to allow vehicles to manoeuvre into the bay when adjoining bays are occupied. The width of end spaces abutting an enclosed boundary should be increased to 2.7m 3. A width of 4.0m is the minimum necessary to allow passengers to embark and disembark safely.		

To accommodate three cars using the preferred sizes above 2.7+ 2.5m + 2.7m or 7.9 metres and not the 7.2 metres shown. Even if the nationally recognised width of 2.4 metres were used, access to the two outside spaces would be compromised due to walls of the barn not permitting space to be borrowed from adjacent parking/open space.

3. The parade of shops is on a section of road which has a pelican crossing, a bus stop and guard railings which restricts the ability to service the property from the highway should the need arise. It is

therefore essential that the shop can be serviced from the rear and this proposal would restrict this, with the bin store located in the rear pedestrian access.



4. There are no appropriate sight lines for vehicles emerging from the proposed car barn/garage. However, this would be little if any different to the existing situation and no different to the majority of the neighbours. The road is also a lightly trafficked cul-de-sac, so any objections on sight lines is unlikely to be sustained at appeal. Looking at the Crashmap data, there are no recent accidents in the area.
5. As submitted I would recommend refusal, but if the car parking were reduced to two vehicles for the flats with parking spaces 2.5 metres and 2.7 metres wide with secure cycle parking also provided for the new flat but ideally for both flats, together with a suitable access for servicing the shop from Alfred Place I would have no objections.

Neighbouring properties

12 surrounding properties were consulted plus a site notice – the overall consultation date was 11 November – one response received (objection) the comments of which can be summarised as follows:

- Concerned that the height of the extension will block light into the upstairs flat which only has one window at the rear allowing light into the flat.

Officer's Analysis

No. 17-19 Perry Street consists of a two storey building situated on the southern side of Perry Street. It is located in the local centre of Perry Street and is in use as a betting office at ground floor with a flat at first floor which is accessed from Alfred Place at the rear. As well as being in a local centre the site is also situated in an Area of Archaeological Potential and in the Thames Estuary And Marshes Ramsar Buffer Zone.

Housing Need

The proposed development for net increase of one dwelling through the sub-division of the existing first floor flat would offer a minimal contribution towards meeting the local housing need.

Principle of Development

The application site falls within the urban area of Northfleet and the proposal relates to extension and sub-division of the first floor of the existing building and erection of a new detached garage and storage building.

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. As such the proposal is considered acceptable in principle subject to the proposal being acceptable in regard to all other matters as set out below.

Design, Character and Appearance

The application site consists of a two storey building with a betting office at ground floor and flat over at first floor level. The building which is situated in the centre of a shopping parade has a pitched roof and a single storey flat roofed rear extension providing extra floorspace to the ground floor betting office. An external set of metal steps are affixed to the rear of the extension which extend across the flat roof of the extension providing the only access to the first floor flat. The area to the rear of the site has vehicles parked, shipping containers and refuse bins on it. The other buildings on this side of the shopping parade are also two storeys with pitched roofs. The below image shows the application site in its context from the rear:



The proposal includes an infill extension at ground floor level which would provide a toilet for the downstairs betting office and a staircase to provide an independent access to flat no. 1 at first floor level; this infill extension is considered acceptable in design terms as it would infill the current inverted section of the existing single storey rear extension and extend no deeper but therefore would be a modest extension which would be sympathetic to the scale and character of the host building.

It is also proposed to erect a first floor extension above the whole of the ground floor extension to the same width (full width of the rear elevation) and depth (3.1m) to provide additional floorspace for the two flats proposed from the sub-division of the existing first floor flat. The first floor extension would have a flat roof and the overall height of the extension to the top of the flat roof from ground level would be 5m. It would have three windows and a door at first floor level in its rear elevation and there would be a set of external steps up to the door to access flat no. 2.

The main roof of the host building has a pitched roof; given that first floor extensions are taller and of greater visibility they should incorporate roof designs to reflect, tie in with and not overwhelm the main roof of the building. In this case the proposed flat roof would appear out of context with the host building and fundamentally change the appearance of it from the rear. It would appear as an incongruous addition to the host building and consequently the proposal would harm the character and appearance of the host building.

The application building is situated in the middle of a terraced shopping parade whereby the main roofs of the other buildings are pitched. The rear of the terrace is fully visible from Alfred Place; the buildings in the terrace consist of a variety of treatments at the rear including some which retain the original single or two storey out-riggers and some with more modern single or two storey extensions. The single storey rear extensions have a mixture of flat and pitched roofs. The two storey extensions all have pitched roofs apart from two – nos. 13 & 21 Perry Street for which there is no record of planning permission and as such they are not considered to provide any justification for a flat roof for this proposed first floor extension and in fact only serve to demonstrate the inappropriateness of flat roofs at first floor level and above on buildings where the main roof is pitched.

The proposed first floor rear extension would therefore also be harm to its surroundings although it is noted that the proposed detached garage building would obscure the majority of the view of the extension from Alfred Place, but this too is considered unacceptable in design terms as set out below.

The proposed detached garage building would be built at the back edge of the pavement fronting Alfred Place, extend the full width of the plot, 6.5m in depth and 4.5m in height to the top of the flat roof. On the front elevation facing the street it would have an opening for three parking spaces and a pedestrian opening providing a rear access to the building for access to flat 1 and a refuse storage area. On the elevation facing the host building it would also have double doors at first floor level accessed from an external staircase to serve a storage area above. As seen in the above image, there are outbuildings at the rear of many of the buildings in the shopping parade however, there is none as large or of the design as proposed here.

The outbuildings at the rear are all generally single storey with only one two storey outbuilding (at the rear of no. 21) and that is an historic coach house which is likely to be commensurate with the age of the buildings in the terrace or built not long after. It is of modest size and proportions and attractive design with a pitched roof and original door opening at first floor level in the gable. The proposed outbuilding however, due to its size including its excessive width given it extends across two plots and its height and out of keeping flat roof design would result in an incongruous addition to Alfred Place harmful to the streetscene.

As such in respect of design, character and appearance the proposal is considered to be contrary to Policy CS19 (LPCS).

Amenity of Occupiers

The proposal includes the sub-division of the existing two bedroom first floor flat into two one bedroom flats. The existing flat is accessed from Alfred Place at the rear by ascending an external staircase over the top of the flat roof of the single storey rear extension. With the proposal, both flats would still be accessed by Alfred Place (through the pedestrian walkway in the outbuilding). Flat 1 would then enter through the door in the proposed infill extension and flat 2 would use an external staircase to access the door at first floor level in the rear of the proposed first floor rear extension.

The Nationally Described Space Standards (2015) state that a for a one bedroom, two person, one storey unit (as flats 1 & 2 would be) the minimum floorspace is 50 sq.m. In terms of this the sizes would be as follows:

Flat 1 – 47.7 sq. m (including bathroom at ground floor)

Flat 2 – 43 sq.

As can be seen, both flats would be undersized – flat 1 would be undersized by 2.3 sq. m and flat 2 would be undersized by 7 sq. m which are not insignificant amounts.

The Nationally Described Space Standards (2015) state that double bedrooms should have a minimum floor area of 11.5 sq. m and be at least 2.75m in width. The bedroom areas and widths would be as follows for each flat:

Flat 1 – The bedroom would be 7.4 sq.m in area and 2.4m in width

Flat 2 – The bedroom would be 7 sq. m in area and 2.4m in width

As can be seen the bedroom of flat 1 would be undersized by 4.1 sq. m in area and 0.35m in width and the bedroom of flat 2 would be undersized by 4.5 sq. m in area and 0.35m in width.

The layout of flat 2 is also convoluted as the bathroom would be at ground floor level and the access to both flats is not ideal being from the rear of the building and particularly the access to flat 2 being via an external staircase up to the first floor (notwithstanding this is the existing historic situation).

There is also no private amenity area shown for both of the flats. SPG2 requires flats to have a minimum of private amenity area per flat of 10 sq. m and this is not provided. There is an area between the building and the proposed outbuilding but this is not identified as anything and would need to provide access to the occupiers of both flats so it is not clear how it would be possible to achieve any private amenity space.

With respect of the proposed garage building, the rear elevation of the building would be 7.8m from the rear elevation of the host building. There would be no habitable accommodation in the garage but it is considered that at this proximity and the scale of the building, it would cause an overbearing and overly dominant effect on the occupiers of the two proposed flats which would have windows serving bedrooms and a kitchen in the rear elevation at first floor level.

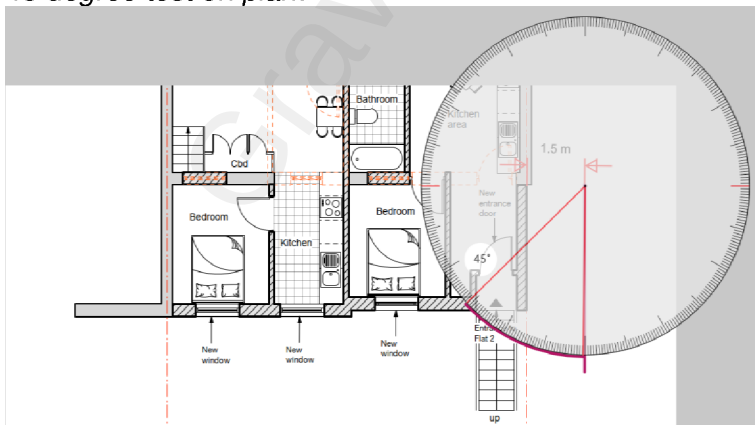
As such, in terms of undersized internal floor areas and bedroom sizes, layout, access, lack of private amenity space and overbearing impact from the garage building, both flats would provide unacceptable living conditions for future occupiers. In respect of occupier amenity the proposal is therefore considered contrary to Policy CS19 (LPCS).

Neighbouring Amenity

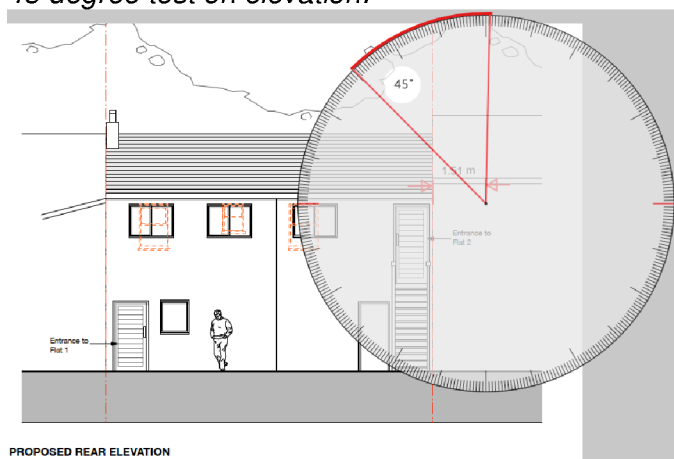
The proposed first floor rear extension would be 3.1m in depth and the full width of the building. In itself the extension would be 2.7m in height which on top of the ground floor extension which is 2.3m in height would create an overall height for the rear extension of 5m to the top of the flat roof.

At the neighbouring building to the east no. 15 Perry Street, this building has no rear extensions. The first floor is in use as a flat and there are three windows in the rear elevation at first floor level. The nearest window appears to serve a toilet and is therefore non-habitable. It is unclear what the next window along serves but as this may be habitable the 45 degree test has been done from it as below, this shows that the proposed extension would not fail the 45 degree line from this window on either plan or elevation and therefore denotes that there would be no undue overshadowing or loss of light to this window:

45 degree test on plan:



45 degree test on elevation:



There are no windows proposed in the east flank elevation of the proposed first floor extension and therefore no impact on no. 15 with regards overlooking.

The ground floor of no. 15 is in commercial use as a barbers and there is a blocked up door opening in the ground floor rear elevation so no impact in respect of the ground floor.

Given all of the above it is considered there would be no harmful impact on the amenity of no. 15 Perry Street in respect of overshadowing, loss of outlook or overlooking.

The building to the west is no. 21 Perry Street, this has an original/period two storey out-rigger on the part of the rear elevation bordering the application site; this appears approx. 3m in depth. As the proposed first floor extension would 3.1m in depth and also built to the same height as the out-rigger at no. 21 then it would have no impact on the windows in the rear of no. 21 with regards overshadowing or loss of light and the extension would be built up to the boundary with no. 21 and so there would be no windows in the west flank wall of the extension therefore no issues regarding overlooking.

Same as the proposed garage building would have an overbearing and unneighbourly impact on the two proposed flats at first floor level of the host building, it is also considered that it would have an overbearing and unneighbourly impact on the upper floor flats of the two adjacent buildings either side at nos. 15 & 21 Perry Street given the proximity of the building to the rear of the properties and the same of the development.

To the south are properties in Alfred Road, the nearest distance from the front elevation of the proposed garage building to nos. 33-34 is 13.7m and to nos. 35-36 is 15.3m. Given this distance this would be sufficient to ensure there would be no harmful impact on those properties with regards overshadowing or loss of light and as an open garage and pedestrian walkway there would there would be no issues regarding overlooking.

Due to the impact of the proposed garage building on the occupiers of the flats at the upper floors of the adjacent properties nos. 15 & 21 it is considered the proposal would be harmful to the amenity of neighbouring properties and in this respect the proposal would be contrary to Policy CS19 (LPCS).

Parking and Highways

SPG4 states that parking spaces should be a minimum of 2.5m in width and when abutting an enclosed boundary should be increased to 2.7m in width. In this case each space would be 2.4m in width and so each space would be undersized and particularly the two end spaces. The Highways Officer also notes cycle provision for the additional flat (one cycle space) is required. The Highways Officer also has concerns that the garage building would restrict access to service the shop from the rear. Access from the front is not possible due to the pelican crossing, bus stop and guard rails and at the rear it would be

restricted due to the refuse storage being proposed in the pedestrian walkway.

Therefore, due to the undersized parking bay, lack of cycle provision for the additional flat and restriction of a rear service access to the ground floor commercial unit, the proposal is considered unacceptable in respect of parking and highway matters and in this respect the proposal is contrary to Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Ecology and Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) 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.

The Borough Council 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) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of one unit and the applicant has not paid the required tariff (£275.88). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site.

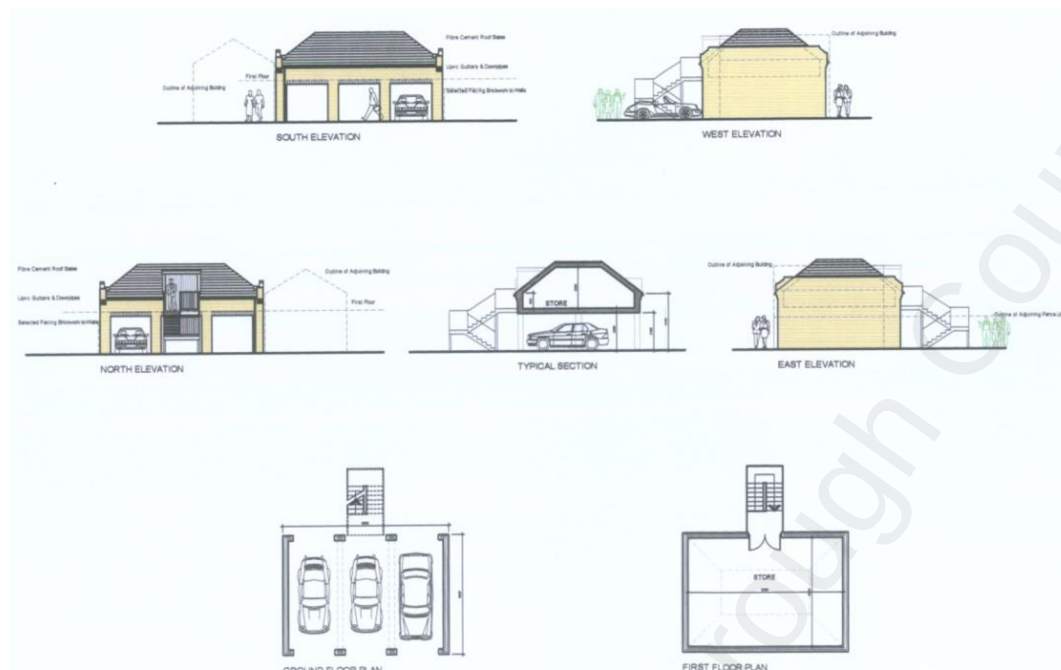
Therefore, the proposal is contrary to Paragraphs 180 and 181 of the NPPF (2021) and Policy CS12 (LPCS).

Refuse

There is refuse storage provision in the pedestrian walkway at the ground floor of the proposed garage building and subject to conditions this would be considered to be acceptable.

Any Other Material Planning Considerations

It is noted that planning permission was given for 'Erection of a detached two storey building to provide three covered parking spaces at ground floor level with storage over' in 2007 under ref. 20061013 as follows:



However, this was of a different scale and design from what is proposed in this application and with the pitched roof at least appeared to be of a more sympathetic design in that respect. Furthermore, the permission is expired and what permitted in 2007 which is prior to the current development plan. As such it is only considered to add limited weight to the proposal.

Conclusion/Balancing Exercise and Recommendation

The proposal would have the benefit of providing a net addition of one flat (there is already one flat at first floor level) which would provide a modest contribution to the Borough's housing supply and there is a previous permission on the site for a detached garage and storage outbuilding which adds a small amount of weight to the proposal. However, it is considered that the proposal would cause harm in respect of the character and appearance of the building and the surrounding area, the amenity of occupiers of the flats and neighbouring properties, parking and highway safety and would not protect the Thames Estuary and Marshes SPA/Ramsar site. On balance, it is felt that the benefit of the one additional unit does not outweigh the harm that has been identified. As such it is recommended that planning permission is refused.

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	25 th November 2022	Dated:	25 th November 2022