



Delegated Report

Householder Planning Application

Planning Application No: 20240219

Location: Flat A 129B Milton Road Gravesend Kent

Description: Change of use of basement to habitable accommodation to be used in conjunction with existing ground floor flat.

Applicant: Mr Hardesh Singh

Site Visit Date: 19 June 2024

Submitted Documents/Plans

Application for Planning Permission form dated 28 August 2024;
Drawing no. 383_2 Block plan;
Drawing no. 383_3A Existing and proposed layouts received 31 July 2024;
Drawing no. 383_4A Existing and proposed elevations;
Drawing no. 383_5 Proposed balustrade elevations;
Drawing no. TQRQM22100081406143 Site location plan;
Heritage Statement; and
Design & Access Statement.

Superseded Documents/Plans

Application for Planning Permission form dated 07 March 2024;
DWG No. 383_3A Existing and proposed layouts received 26 April 2024; and
DWG No. 383-4 Existing and proposed elevations.

Procedural Issues

Following a request from the case officer, the planning application form was amended to accurately reflect the site ownership and the notifications sent to owners. In addition, the existing and proposed layout and elevation drawings were amended and a balustrade elevation plan was submitted to clarify the proposal.

Relevant Planning History

Reference	Description	Decision	Decision Date
20231036	Conversion of basement area to a 1 bedroom self contained residential flat.	Refused	28.12.2023
19840367	Change of use of betting shop at ground floor level as a self contained flat	Permitted	24.07.1984
19830097	Erection of a covered way at the rear	Permitted	23.05.1983

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas
- T1 – Impact of Development on Highway Network
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings

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 12 – Achieving well-designed and beautiful places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 16 – Conserving and enhancing the historic environment

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);

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

The application is for use of the basement for non-habitable rooms and there are no proposed changes to the habitable rooms (bedrooms and living room) on the ground floor. The application site falls within the A226 One Way system AQMA. However, as this represents a change to an existing flat, no new sensitive receptors are being introduced into the area. In this respect, air quality (or noise) is not a consideration. There is no objection to this application.

GBC Conservation Officer

There is little external alteration that will adversely impact on the conservation area and so no comments I can offer on this aspect.

GBC Service Manager (Housing Options)

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements

and Building Regulations taking precedence.

GBC Licensing Team (Regulatory Services)

Licensing have no involvement in this kind of development.

STG Building Control Partnership

Building regulations do not control natural light and therefore I'm able to comment on this matter. However, once an application has been submitted, we would be assessing the following criteria as a minimum.

Water proofing and insulation of the basement areas
Fire safety and means of escape (current layout appears inadequate)
Natural/ mechanical ventilation to all areas
Drainage layouts

Neighbouring properties

The application was publicised by a site notice, newspaper advertisement and to 11 neighbouring properties by letter. Three representations have been received (objections) and are summarised as follows;

- Objects to the additional accommodation.
- There would be no windows or access to sunlight in the proposed rooms.
- Destruction of wall, fence, staircase and garden.
- The applicant does not live at the property, it is rented out to tenants.
- Existing waste disposal issues would be exacerbated.
- Lack of secure cycle parking.
- No SAMMS mitigation contribution agreement has been paid, therefore adverse impacts to protected habitats and species.
- Adverse impacts to local infrastructure, community well-being and environmental sustainability.

Officer's Analysis

Principle of Development

The proposed development would result in the enlargement of an existing ground floor flat by the conversion of an unused basement into residential accommodation. The flat would retain two bedrooms, a lounge and bathroom at ground floor level and relocate the kitchen to the basement. Also in the basement, would be a dining area (part of a kitchen/diner), utility room, bathroom and storage area.

Policy CS14 of the Gravesham Local Plan Core Strategy (2014) seeks to protect the mix of housing in the existing housing stock and expects new housing development to provide a range of dwelling types and sizes.

The proposal would provide additional space within an existing residential unit, whilst retaining the existing number of bedrooms. Therefore, the proposal would be in line with Policy CS14 of the Gravesham Local Plan Core Strategy (2014) and be acceptable in principle.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Saved Policy TC3 of the Gravesham Local Plan First Review 1994 sets out that development within or affecting conservation

areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

The application site is located in the Milton Place Conservation Area and as such, the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which 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.

It is noted that the GBC Conservation Officer has raised no objection to the proposal.

The proposed development would mainly be located within the existing building, with the only external alterations being the installation of a window and door in the rear elevation and the erection of a balustrade in the garden. Due to limited nature of the works to the building and their location at the rear, there would be no detriment to the character or appearance of the existing building or the surrounding Milton Place Conservation Area. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).

Amenity of Future Occupiers

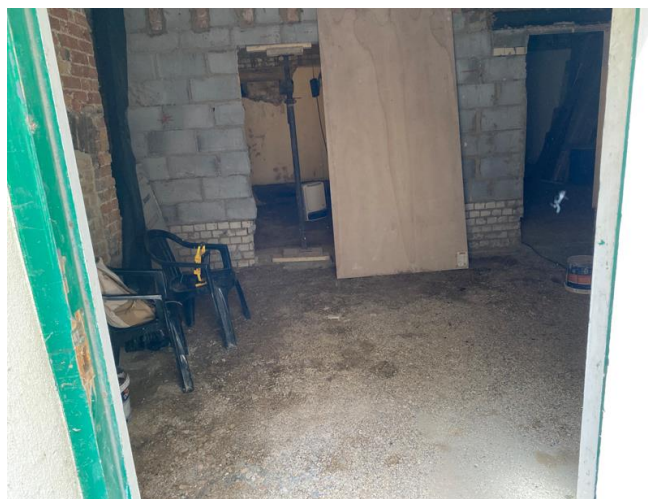
Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The application site is located in a noisy, commercial environment, close to the main route through Gravesend Town Centre. It is also located within the A226 One Way System Air Quality Management Area (AQMA). The GBC Environmental Protection Team (Regulatory Services) has raised no objection to the proposal, highlighting that, as the property is already in use as a flat, no new sensitive receptors would be introduced into the area. Therefore, there would be no adverse noise or air quality impacts to future occupiers.

As a basement conversion, the level of natural light available to future occupiers is an important consideration. A railing balustrade and a large, glazed window and door would provide some natural light to the proposed kitchen/diner. Whilst the rest of the proposed basement rooms would have no natural light. It is noted that the existing ground floor kitchen at the application property does not have any windows and therefore natural light is restricted and the existing flat does not have a dining area.

The GBC Service Manager (Housing Options) has made no comment regarding the proposal, except to refer to natural lighting levels being stipulated via Building Regulations legislation. STG Building Control have set out that Building Regulations do not control natural light and therefore they are unable to comment on this matter. However, they did highlight that they will assess a number of issues including fire safety and means of escape, which based on the current layout they indicate appears inadequate. This information can be brought to the attention of the applicant by an informative on any planning permission granted.

Most of the proposed basement rooms would be non-habitable accommodation (the dining area of the kitchen/diner is the only habitable feature) and although it would be preferable for them to have natural light for residential amenity purposes, the lack of light would not be a justifiable ground for refusal. This is because, the proposed kitchen/diner would only be a partially habitable room (a kitchen is not normally considered as a habitable room for planning purposes) and would have some natural light (as the following images show). The design of the proposed window and balustrade would maximise the natural light that would be available to this room and the level of natural lighting would be an improvement over the existing kitchen arrangement (where there is none).



In order to ensure that the living conditions for future occupiers remain acceptable over time, any planning permission granted would be conditioned to preclude the basement from being used for bedrooms or living rooms and for the balustrade to be retained permanently.

The proposed development would not alter the existing number of bedrooms and as an existing residential unit, there would be no requirement to provide details of existing refuse storage. However, it is noted that the proposal would provide additional storage space in the basement, which could be used to accommodate refuse prior to collection.

Overall, the proposed development would improve the living conditions for future occupiers and as such, the proposal would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers. In this regard, the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are Flat B, 129B Milton Road (located at first floor level in the same building). Flat E, 129 Milton Road is located immediately to the south and no. 130 Milton Road is located immediately to the west. Nos. 128F and 128G, Milton Road are located to the south east, across an alleyway. No. 1A-1B Wellington Street is located to the south west.

There are a number of windows in the side elevation of no. 1A-1B Wellington Street that face the rear elevation at the application site (some 8 metres away). There is a two metre high, close boarded fence on the boundary and the ground floor windows are high level kitchen windows. At first floor level, there are two bedroom windows. Due to the open nature of the proposed balustrade, overlooking between the bedroom windows and the proposed window/door would be possible. However, as the proposed window/door is to a non-habitable room (a kitchen) and due to the steep angle of the sight line, there would be no adverse overlooking impacts to the occupiers of no. 1A-1B Wellington Street.

There is a window and door in the rear elevation of no. Flat E, 129 Milton Road that face part of the rear elevation at the application site. However, due to their orientation and the steep angle of the sight line towards the proposed kitchen window and door, there would be no adverse overlooking impacts to the occupiers of that property.

Due to the design of the proposed development, to the screening provided by boundary treatments and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of the surrounding dwellings.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policy T1 of the Gravesham Local Plan First Review November 1994 require new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Saved Policy P5 of the of the Gravesham Local Plan First Review (1994) allows a relaxation of the vehicle parking standards for changes of use of buildings and the sub-division of existing dwellings in certain circumstances and provided that existing on-street parking problems are not unduly exacerbated.

The proposed development would not alter the number of bedrooms at the application property and as such, it would have no impact on the car or cycle parking requirements or vehicles movements associated with the residential unit. However, it is noted that the proposal would provide additional storage space in the basement, which could be used to accommodate cycles.

As such, it is considered that the proposed development would have no adverse impacts to highway safety and it would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Policy P5 of the Gravesham Local Plan First Review November 1994.

Flood risk

Paragraph 165 of the NPPF 2023 states that inappropriate development in areas at risk of flooding should be avoided and where development is necessary in such areas, it should be made safe for its lifetime, without increasing flood risk elsewhere. Paragraphs 167-172 set out the requirements for a sequential approach to development (steering proposals to areas at lowest risk of flooding) and an exception test (which is applied where it is not possible for development to be located in a lower flood risk area).

Paragraph 173 requires development in areas at risk of flooding, where appropriate, to be supported by a site specific, flood risk assessment and paragraph 174 states that some minor developments and changes of use should not be subject to the sequential or exception tests but should still meet the requirements of paragraph 173.

Policy CS18 of the Gravesham Local Plan Core Strategy (2014) requires proposals in areas at risk from flooding to be accompanied by a flood risk assessment and for development to be directed sequentially to those areas at least risk of flooding.

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires the design and layout of new development to take advantage of opportunities to build in resilience to the effects of climate change, including protection against flood risk.

The application site is located in Flood Zone 1, with a low probability of flooding and the proposal is a change of use, which does not require a site specific flood risk assessment under paragraphs 173 and 174 of the NPPF 2023. The proposed development would only result in non-habitable accommodation being provided in the basement and the existing number of ground floor bedrooms would not be altered. As such, there would be no increased flood risk and the proposal would be in line with the Section 14 of the NPPF 2023 and Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

Local residents have raised a number of concerns, the majority of which have been covered in the above discussion. The outstanding issues are summarised (in italics) and commented on as follows;

- *Destruction of wall, fence, staircase and garden* – in the rear garden area, the proposed development would only involve the installation of a balustrade. If there are ownership issues relating to impacts to

existing structures, then this is a civil matter that must be addressed between the affected parties.

- *The property is rented out to tenants* - the occupancy type is not a planning consideration.
- *No SAMMS mitigation contribution agreement has been paid, therefore adverse impacts to protected habitats and species* – The proposal is not for a new residential unit and therefore there is no requirement for a SAMMS payment and there would no adverse ecological impacts.
- *Adverse impacts to local infrastructure, community well-being and environmental sustainability* – the proposal would not alter the number of bedrooms at an existing residential unit and as such, there would be no adverse impacts to local infrastructure, community well-being or environmental sustainability.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials to match existing

The basement area shall not be used for bedrooms or living rooms.

The balustrade shall remain permanently

Conclusion & Recommendation

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	04 September 2024	Dated:	4 th September 2024