



# Delegated Report

## Full Planning Application

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|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application No: | 20230013                                                                                                                                                                                             |
| Location:       | 50 Wrotham Road, Gravesend, Kent, DA11 0QF                                                                                                                                                           |
| Description:    | <b>**REVISED DESCRIPTION**</b> Change of use from C3 to C4 HMO; with proposed extension to rear dormer and installation of roof light windows to front roof slope and a single storey rear extension |
| Applicant:      | Mr Kenneth & Karren Doku                                                                                                                                                                             |
| Site Visit:     | 15 <sup>th</sup> February 2023                                                                                                                                                                       |

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### Submitted Documents/Plans

- Application Form - dated 05/01/2023;
- Supplementary Information - Houses in Multiple Occupation Document;
- Ordnance Survey Site Location Plan (scale 1:1250);
- Drawing no. WR001 - Rev. A - Existing Plans, Elevations and Sections;
- Drawing no. WR002 - Rev. C - Proposed Plans, Elevations and Sections;
- Drawing no. WR003 - Existing Block Plan (scale - 1:200);
- Drawing no. WR003 - Rev. B - Plans, Elevations and Sections (under Construction);
- Drawing no. WR004 - Rev. B - Proposed Block Plan (scale - 1:200).
- ~~Drawing no. WR002 - Rev. B - Proposed Plans, Elevations and Sections - SUPERSEDED;~~
- ~~Drawing no. WR004 - Proposed Block Plan (scale - 1:200) - SUPERSEDED.~~

### Preliminary Matters

The agent submitted revised plans and additional information on the 27/02/2023. The revised plans proposed an extension to the dormer and a document relating to the HMO guidance. Due to the late submission of this information, the change in the description and the increase in built form proposed, the agent was informed that the determination date would be extended, and a re-consultation sent out. The extension was agreed, and the re-consultation commenced 08/03/2023.

The revised description was agreed as follows:

**\*\*REVISED DESCRIPTION\*\*** Change of use from C3 to C4 HMO; with proposed extension to rear dormer and installation of roof light windows to front roof slope and a single storey rear extension.

### Relevant Planning History

| Reference | Description                                                                                                                                                                                          | Decision            | Decision Date |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------|
| 20220726  | Application for a Lawful Development Certificate in respect of the proposed erection of a rear dormer and installation of roof light windows to front roof slope and a single storey rear extension. | CERTIFICATE GRANTED | 09.09.2022    |

|          |                                                                                                                                                                                                                          |                     |            |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------|
|          |                                                                                                                                                                                                                          |                     |            |
| 20220552 | Application for a Lawful Development Certificate in respect of the proposed erection of a rear dormer and installation of roof light windows to front roof slope and a single storey rear extension.                     | CERTIFICATE REFUSED | 20.06.2022 |
| 20220170 | Erection of a single storey rear extension and rear dormer, installation of roof light windows to front roof slope. Conversion from a 3 bedroom dwelling to 3 self-contained flats (1 x 2 bed and 1 x 1 bed and Bedsit). | REFUSED             | 14.04.2022 |
| 20211315 | Erection of a rear dormer and installation of roof light windows to front roof slope. Conversion from a 3 bedroom dwelling to 3 self-contained flats (2 x 1 bed and 1 x 2 bed).                                          | REFUSED             | 20.12.2021 |
| 19870583 | Erection of single storey rear extension to form enlarged kitchen                                                                                                                                                        | PERMITTED           | 02.09.1987 |

### **Development Plan**

#### Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Types and Sizes
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles

#### Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- H5 - Increasing Housing Stock by Conversion

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)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making Effective Use of Land
- Section 12 - Achieving Well-Designed Places
- Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 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)

#### Other Supplementary Guidance

- Working in Partnership: Guidance to HMO Amenity Standards (2006)
- GBC Guidance for HMO Amenity Standards (2023)

### **Consultations, Publicity and Representations**

#### **Consultees**

GBC - Highways Officer - This is an edge of centre property, so no car parking is necessary. It is however suggested that it is appropriate that there should be 4 secure and covered cycle parking spaces. Whilst not covered by policy, it comes from the spirit of guidance where one space would be required per flat.

Local Ward Councillors - No comment received.

#### **Neighbouring properties**

Five surrounding properties were consulted and no representations were received. The consultation period expired 29<sup>th</sup> March 2023.

### **Officer's Analysis**

#### **Site Description**

50 Wrotham Road is a two storey mid-terrace property. The property forms one of a pair of matching dwellings, characterised by two storey bay windows. The buildings are set back from and above the highway with steps and paths providing access.



The application property has three bedrooms and is in use as a single family dwelling. It has been extended by single storey at the rear to form an enlarged kitchen. There is no off-street parking available, however the site is within the urban area and in close proximity to Gravesend Town Centre.

## **Proposed Development**

This application proposes a change of use of an existing single family dwelling into a house in multiple occupation (HMO) for up to 7 persons. The application proposes an extension to the dormer, granted under Lawful Development Certificate (ref. 20220726) to the edge of the outrigger, increasing the depth of the dormer by 2.9m.

The HMO consists of the following:

- 5 Bedrooms;
- 3 Ensuites;
- 1 Bathroom;
- 1 Shower Room;
- 2 Communal Living Rooms;
- 1 Communal Kitchen/Living Room.

## **Principle of the Development**

The principle considerations in the assessment of this application are:

- Housing Need
- Suitability for Conversion
- Design, Character and Appearance
- Residential Amenity
- Parking and Highways
- Any Other Material Planning Considerations

## **Housing Need**

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02, of Gravesham's Local Plan Core Strategy (LPCS) (2014), must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

The proposed development would provide a net increase of 2 bedrooms at the property (for a total of up to 7 persons). However HMOs cannot be counted as net additional dwellings as they would have been counted as a net additional dwellings in a previous year. A HMO would only contribute towards the local housing need if the HMO is created by change of use from a non-residential building. As such the application does not affect the five year housing supply.

## **Suitability for Conversion**

Adopted Policy C14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF, it also stipulates that new housing development is expected to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller households and provide low cost accommodation, while taking into consideration the character and amenity of existing housing areas where single family occupancy is the norm.

Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances,

conversion will not normally be permitted in an area comprised for the most part of single-family dwellings. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy. A larger house under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.

The application property is located in close proximity to the town centre. Wrotham Road is a busy arterial route into the town carrying large volumes of traffic. The properties on this section of Wrotham Road are varied, with the application property and its adjoining neighbour forming a matching pair of modest three bedroom dwellings.

It is noted that the approved PD dormer extension (ref. 20220726) has increased the number of bedrooms to five. A five bedroom property would be large for single family occupation, but it would not be grossly oversized and other factors, such as the no parking provision and proximity to a busy road, would not constitute a good environment for families. Therefore, this building is considered to be appropriate for conversion, located in an area which is accessible and sustainable, and is considered appropriate for conversion into smaller units in accordance with saved policy H5 (LPFR) and Policy CS14 (LPCS).

### Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The development hereby proposed will not alter the appearance of the property from the street scene perspective, with the only change being the extension to the dormer at the rear. The dormer extension approved under permitted development (ref. 20220726) was a modest L-shaped dormer set within the roof slopes of both main dwelling and the outrigger. This would be extended significantly out to the edge of the outrigger, doubling the depth of the rearward projection of the dormer (+2.9m). The extension to the dormer would create a large expanse of flat roof at third floor level, would involve the construction of a parapet wall at the full depth of the outrigger. The screenshots below demonstrate the original dwelling, approved dormer and the proposed development (highlighted in red):



Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. Dormer extensions should not overwhelm the roof slope within which they are placed, require a high standard of design and should be set away from hips, eaves and ridges of a property. Furthermore, the SPD states that extensions should match roof styles and pitches, and that *"in most cases a flat-roofed extension to the front or side, or where clearly visible from the street, will not be supported (unless the original house main roof is flat)"*.

The dormer extension is considered to be poor design that is disproportionate to the scale of the property, fails to respect or respond to the original characteristics of the property, and introduces a bulky flat roof dormer above the outrigger at a depth of 5.2m. The Local Planning Authority do not support applications proposing flat roofs above single storey level by virtue of their bulky and incongruous appearance. While a dormer is different to a standard extension, the scale of the dormer hereby proposed is overly dominant, is not subordinate or subservient, and would be considered overdevelopment of the property. Therefore, the proposed extensions are bulky and incongruous additions to the property, introduce incongruous flat roofs and are poor design contrary to Gravesham's Design Guidance SPD (2021), Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

## Residential Amenity

Having established that the site is located in an appropriate area for conversion, the key to ensuring a satisfactory living environment can be achieved for future occupants. Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.

The amenity of future occupants is also safeguarded in Policy H5 (iv) which requires proposals for the conversion of existing dwellings to have regard to the adopted Residential Layout Guidelines (RLG) (2020).

### Internal living space

In relation to the internal living space, the Councils RLG (2020) and Nationally Described Space Standards (2016) which set out minimum internal areas for new dwellings based on the level of occupancy, bedrooms size and number of storeys. However, these relate more to flat conversions rather than HMOs.

The Council's own adopted guidance on HMO amenity standards includes a more appropriate room sizes for this application type. For a one person unit there should be a minimum floor area of 6.5m<sup>2</sup> and a two person unit should have a floor area of 10m<sup>2</sup>.

|                                         | Unit Size<br>(m <sup>2</sup> ) | Bedroom<br>(m <sup>2</sup> ) |
|-----------------------------------------|--------------------------------|------------------------------|
| <b>1</b><br><i>First Floor (front)</i>  | 16.7m <sup>2</sup>             | 14m <sup>2</sup>             |
| <b>2</b><br><i>First Floor (middle)</i> | 10m <sup>2</sup>               | 10m <sup>2</sup>             |
| <b>3</b><br><i>First Floor (rear)</i>   | 10m <sup>2</sup>               | 10m <sup>2</sup>             |
| <b>4</b><br><i>Second Floor (rear)</i>  | 15.3m <sup>2</sup>             | 13m <sup>2</sup>             |
| <b>5</b><br><i>Second Floor (front)</i> | 13.3m <sup>2</sup>             | 10m <sup>2</sup>             |

Table 1 - HMO room breakdown

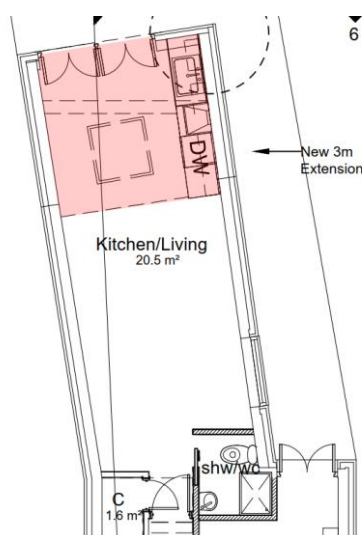
Table 1 shows that all bedrooms within the property would meet the minimum 10m<sup>2</sup> requirement of a two person unit and as such the capacity of the building would be 10 persons.

There will be a kitchen on the ground floor with an area of 10.1m<sup>2</sup> to be shared by all rooms. The kitchen space would include a living area, with a combined floor area of 20.5m<sup>2</sup>. The HMO amenity standards guidance provides minimum standards for kitchens/dining areas:

| Where the Kitchen is shared by occupiers | Number of Persons                          |                  |                  |                  |                  |
|------------------------------------------|--------------------------------------------|------------------|------------------|------------------|------------------|
|                                          | 1 – 3                                      | 4                | 5                | 6                | 7-10             |
| Kitchen (minimum)                        | 5m <sup>2</sup>                            | 6 m <sup>2</sup> | 7 m <sup>2</sup> | 9 m <sup>2</sup> | 11m <sup>2</sup> |
| Dining Area                              | 2 m <sup>2</sup> per person is recommended |                  |                  |                  |                  |

Table 2 - Kitchen and Dining Area Requirements

The kitchen/living area would be shared by all rooms, with a maximum occupancy of 7 persons, which would require an area of 11m<sup>2</sup> (excluding the dining area recommendation). As demonstrated in the plan extract below, the proposed kitchen area and work surfaces are extremely limited.



The plan demonstrates that the kitchen area and work surfaces have a floor area of 10.1m<sup>2</sup>, which falls below the minimum requirement within the HMO guidance. It is acknowledged that the remaining living space within the room is large and therefore the kitchen could be increased, however for the purpose of this application the information on the plans must be taken as accurate and would therefore provide an undersized kitchen for the 7 occupants within the proposed HMO.

It is noted that all of the ensuite bathrooms are internal, with no natural light or ventilation. Gravesham's Residential Layout Guidelines (2020) states that wherever practical, that all kitchens and bathrooms shall have openable windows. Therefore, the proposal is contrary to this recommendation. However, the guidance only gives a recommendation, 'where practical', and as such this is not sufficient grounds to refuse the application. Moreover, the extraction for the ensuites will be covered by building regulations.

### External Amenity

In terms of external space, the existing garden has an area of 91.6m<sup>2</sup> and a depth of 16.2m, which is considered to be good sized amenity space for future occupiers of the HMO.

### Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-

quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

There is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, loss of outlook or sense of enclosure. However, the dormer extension would introduce a bedroom window on the rear elevation and there are concerns with direct overlooking as a result. The new window would be approx. 21m from the boundary of no. 7 Victoria Av and approx. 22m from the rear wall of the property, which is below the minimum 26m privacy distance over private garden. The angle of the window is oblique which would obscure direct overlooking into the habitable rooms at the rear of the neighbour, however the oblique angle would not mitigate against direct overlooking into the private amenity space of residents of no.7 Victoria Avenue. Private amenity space is defined as the first 5m of garden area from the rear wall of a property, and in this case the bedroom window would be within 26m and impact on the privacy of the neighbour.



It is acknowledged that the private amenity space of the neighbour is compromised by the rear windows of nos. 48 & 50 Wrotham Rd, however the increase surveillance from the new window which would be at a greater elevation would impact their amenity, contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

### Summary

Overall, it is considered that the proposed conversion would fail to provide satisfactory standards of living accommodation, contrary to local and national space standards, by virtue of substandard kitchen facilities falling below minimum recommendations from Gravesham's HMO amenity standards (2023). In addition, the extension to the dormer would impact on the privacy of the adjoining property to the rear, to the detriment of their amenity. As such, the proposal fails to safeguard residential amenity and is contrary to Policy CS19 (LPCS), Section 12 of the NPPF and the guidance on HMO amenity standards.

### **Parking and Highways**

The site is in a central location in the town where public transport links are good and there are public car parks available nearby. There are no parking spaces available on site, which is considered acceptable given the central location of the property.

There is a secure cycle store proposed at the property, which will provide spaces for 10 cycles which is in accordance with Kent County Councils parking standards SPG4 (2006). The cycle store could be conditioned to ensure that a suitable store is provided, should permission be forthcoming.

### **Any Other Material Planning Considerations**

#### *Waste Management*

The provision of suitable arrangements for waste storage is a condition of issuing a HMO license. The plans indicate that the bins will be stored at the front of the property. A condition relating to refuse could be attached to the decision notice to ensure that adequate bins are provided and that the store will not have a detrimental impact on the character or appearance of the street scene.

### *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 £275.88 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, while the proposed development would change the use class of the building to a HMO there would be no increases in bedrooms and therefore no fee would be required in relation to SAMMS.

### **Conclusion**

The application has been fully considered and is contrary to local and national planning policy.

The extension to the dormer would create an overly dominant feature, with a bulky flat roof at third storey level. The scale is disproportionate to the dwelling, is poor design and add significant bulk whilst failing to respond or reflect the character of the dwelling. As such, the extension is considered to be overdevelopment and an incongruous addition to the property contrary to Gravesham's Design Guidance SPD (2021), Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

The proposed development would provide undersized kitchen facilities for the number of residents within the HMO, contrary to Gravesham's HMO amenity standards and to the detriment of future occupier amenity. Moreover, the extension to the dormer would have a detrimental impact on the privacy of adjoining residents and result in direct overlooking within the minimum 26m distance set out in Gravesham's Residential Layout Guidelines (2020). Therefore, the proposal fails to safeguard the amenity of future occupiers or neighbouring properties contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

### **Recommendation**

Refusal

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

|                      |                                                                                     |                     |                                                                                       |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mr Ethan Bonthron                                                                   | <b>Team Leader:</b> | Miss Faye Hobbs                                                                       |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 4 <sup>th</sup> April 2023                                                          | <b>Dated:</b>       | 05 April 2023                                                                         |