

Delegated Report

Planning Application

Planning Application No: 20221276

Location: 123 Singlewell Road, Gravesend, Kent DA11 7QA

Description: Erection of part single storey rear extension to form a one bedroom one person flat, part two storey extension and alterations to existing flat arrangement to provide a one bedroom two person flat.
Retention of the existing shop.

Applicant: Mr Abul Kalam

Site Visit Date: 21 March 2023

Submitted Documents/Plans

Application form
Covering letter
Design and Access Statement
Cycle stand details
Drawing no. 2021/47/43B (proposed elevations sheet 1)
Drawing no. 2021/47/42B (proposed first floor plan)
Drawing no. 2021/47/40B (proposed site location and block plan)
Drawing no. 2021/47/41B (proposed ground floor plan)
Drawing no. 2021/47/44B (proposed elevations sheet 2)
Drawing no. 2021/47/02 (existing ground floor plan)
Drawing no. 2021/47/01 (existing block plan)
Drawing no. 2021/47/03 (existing first floor plan)
Drawing no. 2021/47/04 (existing elevations sheet 1)
Drawing no. 2021/47/05 (existing elevations sheet 2)

Relevant Planning History

20221171	Application for non-material amendment to planning permission reference number 20220274 to allow the bin store and front door to be relocated, front door replaced with a window, shop and flat retained in existing position along with the staircase.	Refused	16.11.2022
20220274	Erection of part single storey rear extension to form a one bedroom one person flat, part two storey extension and alterations to existing flat arrangement to provide a one bedroom two person flat. Retention of the existing shop.	Permitted	09.05.2022

20211028	Erection of a part single and part two storey rear extension; internal alterations to create two self-contained flats (1 x 1 bedroom and 1 x 2 bedroom) and expansion of shop area at ground floor level.	Refused	26.11.2021
20210135	Erection of a part single and part two storey rear extensions; internal alterations to create two self-contained flats (1 x 1 bedroom and 1 x 2 bedroom) and expansion of shop area at ground floor level.	Refused	09.04.2021
20111020	Change of use from A1 retail to A5 hot food takeaway and the installation of an associated kitchen extract system with ducting to the rear elevation.	Refused, appeal dismissed	27.01.2012
20040080	Erection of a detached garage on land at the rear of 123 Singlewel Road.	Permitted	11.03.2004

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- Core Strategy Policy CS01: Sustainable Development
- Core Strategy Policy CS02: Scale and Distribution of Development
- Core Strategy Policy CS08: Retail, Leisure and the Hierarchy
- Core Strategy Policy CS10: Physical and Social Infrastructure
- Core Strategy Policy CS11: Transport
- Core Strategy Policy CS12: Green Infrastructure
- Core Strategy Policy CS14: Housing Type and Size
- Core Strategy Policy CS15: Housing Density
- Core Strategy Policy CS18: Climate Change
- Core Strategy Policy CS19: Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

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 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

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:

- i. "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
- ii. 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 181)
- 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); 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 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.

Supplementary Planning Guidance

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- GBC Residential Layout Guidelines (SPG2 February 2020)
- Housing Standards Policy Statement 1st October 2015
- Technical Housing Standards - Nationally Described Space Standards

Consultations, Publicity and Representations

Consultees

Highway Development Management Officer

Flats only require one cycle space per property according to SPG4, so the size of the flat or number of

people it accommodates does not come into the consideration. Similarly, car parking is per flat, not per person so again no change.

With regards to how cycles are parked, this is always difficult to assess, as they can be horizontal or vertical providing the necessary fixtures are provided. Vertical storage obviously reduces the depth of the cupboard required.

KCC Heritage

From previous application:

Thank you for consulting us on this application.

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Neighbouring properties

The application has been advertised by letters to six neighbouring properties.

Four letters of objection from the same person:

- The drawings are incorrect and show the building extends too far into Mead Road and the distance between the garage and the building does not leave enough area for the utility spaces shown on the drawings to be provided
- The drawing shows four wheelie bins side by side and an access gate. This gap is only 2.06m wide and therefore this is not possible
- The approved plans show the shop taking up the whole ground floor area but now the drawings show the shop as it currently is
- Extending the first floor area of the shop and retaining the existing ground floor area for flat 2 leaves it as a 3 bedroom 5 person dwelling
- Impact on parking
- The building is considerably over height than what was originally approved resulting in a dominant form of development

The applicant was advised of the discrepancies with the plans and they measured the site and submitted revised plans. The application was re-advertised and the following concerns were raised:

- The proposals are at best inaccurate and at worst misleading
- The amenity areas to flat one and two are 8.7sqm and 8.5sqm respectively (not 10.2 sqm and 10sqm as shown on the plans)
- The design and access statement hasn't been updated to show the ground floor flat extending approx. 9.9m
- The latest application makes continued reference to "revision to approved scheme", but the approval of planning reference 20220274 was based on the whole of the ground floor area below flat two being taken up by the shop, a door at ground level into flat one with adjacent bin store.
- The application for a "non-material amendment", application 20221171, to replace the front door with a window and relocate the bins store was refused on the 16th November. Grounds for refusal included the increase in size of the new extension, but from looking at the latest proposal the size remain the same! The refusal stated that "a fresh application will be required".
- The extension into the garden for flat one is significantly over height when compared to the planning drawings (approx. 0.8m)
- Dominant development
- The kitchen/dining area shown for flat 2 has no natural light
- The proposal to move the front door for flat one into the shared access way via steps would indicate that little to no thought has gone into the design to accommodate disabled access. What is the

councils policy with respect to disabled access for new developments?

Following on from the above concerns the Council's Planning and Enforcement officers visited the site and measured the building and site area. Further discrepancies were discovered and the builder also mentioned some changes they wished to make to the development. The final plans were submitted reflecting what is on site, changes to the parapet wall finish and changes to the flank high level windows. Following consultation the below concerns were raised:

1 - Amenity spaces:-

The latest plans still perpetuate amenity spaces of 10 sq/m or greater for each flat when in reality, (due to the development being oversize), the actual amenity areas are 8.7 sq/m for flat one and 8.5 sq/m for flat 2. Do we know why the applicant hasn't updated the plans to accurately reflect the actual amenity spaces for each flat? (Is there a minimum amenity space requirement that the applicant is now unable to deliver due to the development being oversize? - Hence the continued misrepresentation of the actual size of these areas)

2 - Design and access statement:-

This doesn't appear to have been updated since 29th November 2022. It certainly doesn't cover the apparent change in exterior finish to the first floor extension. (Section 6.1)

Section 7.3 is inaccurate as it neither matches the revised application plans or real life measurements.

Section 8 is inaccurate as it states the development has changed in a "minor way". This is untrue as the latest application makes this development longer, taller, and leaves the retail unit unchanged.

As you will have clearly seen from visiting the site, the additional length, height, extension of the first floor and reduced open space between the development and the adjacent garage makes this development over dominant in the street scene.

The opening paragraph of the design and access statement makes reference to the applicants "careful thinking about how everyone, including disabled people will be able to use the proposed dwelling", but it's clear from the change in application from street level access to stair access that the needs of disabled people have been ignored. You can now see this clearly in the side and rear elevation drawings which show the building floor level above pavement level. In fact the actual building floor level is approx. 800mm above pavement level, making me continue to question the accuracy of the scale of the latest drawings. I'm not sure whether this lack of accuracy is sloppiness, laziness, or simply pure contempt? (E.g. The latest plans still show the shop as "Vacant shop")

Given that building work has continued in the absence of planning approval I'm certain the applicant will not react well to be informed the development won't be approved, and the easy option of retrospective approval and don't be naughty again will prevail, but I ask: -

If the initial application for this development was as per the latest application/plans. I.e. Ground floor unit extending over 10 meters from existing building approx. 3.4m high, dominating the street scene, with expansion of existing "3 bedroom/5 person" flat floor area, with no change to the retail unit footprint, and no disabled access for the new development, would the planning application have been approved?

I'm guessing No given the refusal of the "non-material amendment" and the request from yourselves that the applicant submits a new application, not a revision of previous applications?

When you revisit the site to see for yourself how dominant and oversize the development is please turn your back to the new development and look at the single story extension opposite and ask yourself "does this new development really compliment others buildings in the immediate vicinity?"

Hopefully, through enforcing the rules, the planning department will be able to put a stop to the current "build it and they'll pass it" attitude that appears prevalent in Gravesham.

Officer's Analysis

Proposal

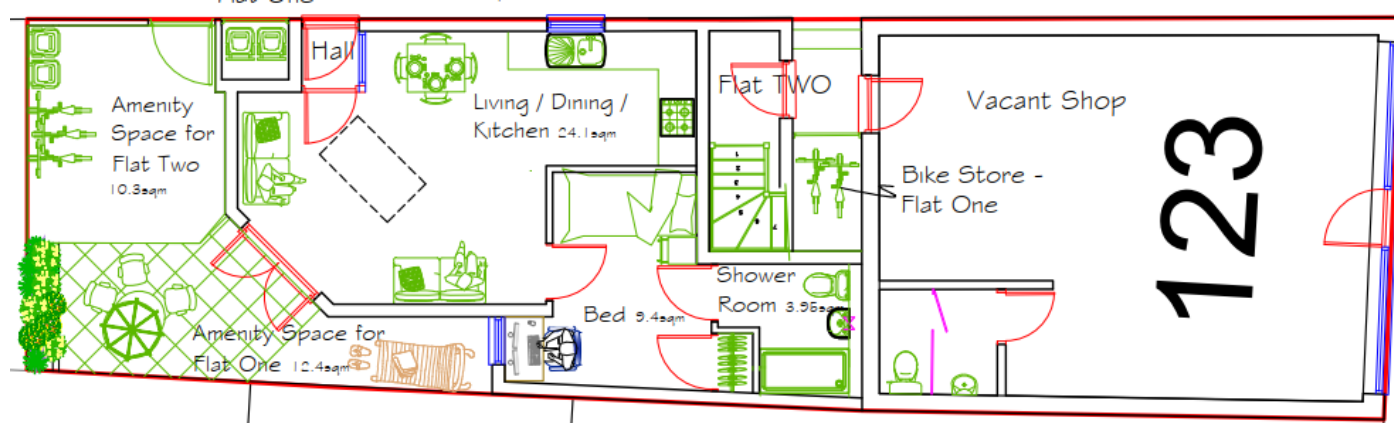
This application seeks planning permission for the erection of part single storey rear extension to form a one bedroom one person flat, part two storey extension and alterations to existing flat arrangement to provide a one bedroom two person flat and the retention of the existing shop.

The single storey rear extension will be approx. 10.3m deep and 5.85m wide at its widest point. It will be

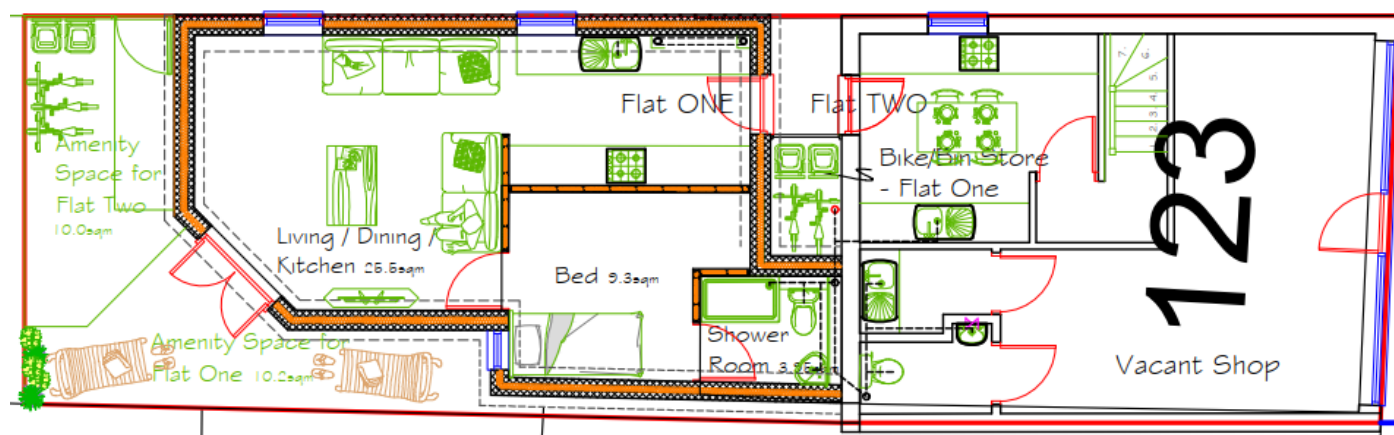
approx. 3.8m high with a flat roof and will provide a living/kitchen/diner, one bedroom and a shower room. It will have amenity space to the rear of approx. 10sqm. The first floor extension will be approx. 3.78m in depth, 4.1m in width and will be approx. 7.6m in height with a hipped roof. Internally there will be a bedroom, bathroom, living area at first floor and kitchen/diner at ground floor.

The current layout at the ground floor is a shop with a kitchen/sitting room area sectioned off that serves the existing flat above.

Approved layout:



Proposed layout:



Procedural Matter

Concerns have been raised that the Design and Access Statement has not been updated since the plans have been revised. In the event that an application is approved the developer will need to build in accordance with the approved plans, not those shown in the Design and Access Statement and therefore it is not considered necessary or reasonable to seek amendments to this document.

In terms of disabled access, the access to flat no.2 remains the same. The access to flat no.1 is via a ramp which will need to be provided in order to store the bins and bikes. Regardless of this there is no adopted planning policy that specifically deals with disabled access as this is dealt with under part M of the Building Regulations 2010.

The point has been made that the non-material amendment was refused and therefore the development is not acceptable. A non-material amendment seeks changes that are not material. It does not deal with the acceptability of the changes. In the instance of 20221171 the proposed changes were considered to be material and it was therefore refused and a planning application was required.

Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- ii. 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.

The proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraph 130 and 134 - of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. The proposed development is considered acceptable as discussed below.

Principle

The application site is located within the urban area where the principle of residential development above shops and the extension of properties is acceptable provided it meets with the Policy criteria below.

Design, Character and Appearance

The application site is located within a Local Centre surrounded by residential properties. The terrace within which the site is located contains shops, a pharmacy, hairdresser, Post Office and bakery with residential accommodation above. To the west of the site there is a new development of three storey houses. The character of the area is two storey terrace dwellings. The plans show a two storey and single storey extension. There are other two storey rear projections within the terrace and therefore the proposal is not out of character with the area. The proposed first floor extension at this projection is considered in keeping with the property in terms of scale and proportion. In terms of design the hipped roof at first floor will complement the building.

The single storey rear extension is large, however there are other large outbuildings and garages to the rear of the terrace. As it is single storey in nature it will not be out of character with other developments and is an improvement to the previously refused applications. On balance, the reduction in size from the previously refused application, and use of flat roof creates a form of development that is not out of character with other development to the rear of these shops.

The proposed development therefore accords with Policy CS19 of Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

Amenity of Future Occupiers

Flat 1 has an internal floor area of approx. 40sqm. The bedroom has an internal floor area of approx. 9sqm. The National Space Standards require a floor area of 39sqm for a one bedroom property and therefore the floor area is acceptable. The bedroom meets the floor area for a single but falls short for a double. There will be private amenity space for flat 1 of approx. 10sqm.

Flat 2 will be located above the shop with a bathroom in the proposed two storey extension and will have an internal floor area of approx. 56sqm at first floor and 14.5sqm at ground floor. The National Space Standards require a floor area of 50sqm for a one bedroom, two person dwelling and therefore the plans accord with this. The floor area of the bedroom will be approx. 13qm which meets the standards for a double. There is a private amenity space of approx. 10sqm. Both flats have sufficient outlook and daylight to habitable rooms; the introduction of a high level ground floor flank window to serve the kitchen/diner is welcomed as this is an improvement on the current situation which is a kitchen/living room with no window.

Concerns have been raised about the requirement for amenity space. The adopted Residential Layout Guidelines require at least 10sqm of amenity space for each self-contained unit of two or more bedrooms. Both of these units will have one bedroom and therefore this requirement does not apply. Notwithstanding this, the provision of such a space is welcomed for the future occupiers.

Neighbouring Amenity

No.125 Singlewell Road is located to the south of the application site. The proposed single storey extension, due to its height and presence of other buildings within the garden of no. 125, will not have any significant impact on the amenities of this neighbour. The two storey rear extension is shown to be located to one side of the building approx. 2m away from the shared boundary.

The distances between the first floor habitable room window and the extension, together with the extent of projection of approx. 3.7m will ensure that there is no significant impact on this neighbour in terms of loss of outlook or daylight. No windows are proposed in the southern flank and therefore there will be no loss of privacy.

No. 121 Singlewell Road is located to the north of the application site. This property has a rear garden less than 10m away from the proposed development. There are two new windows proposed in the northern flank of the main building that are shown to be high level. A condition is recommended to ensure this remains high level.

A condition is also recommended to ensure the flat roof is not used as a balcony.

Due to the path of the sun there will be no detrimental impact on any neighbouring property in terms of loss of sunlight.

In terms of the construction process it is noted that the works have commenced and therefore a code of construction informative is recommended.

The proposed development therefore would accord with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021 with regards to amenity.

Ecology and Biodiversity

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. The applicants have paid towards the mitigation.

The proposal secures a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Parking and Highways

No objection providing everything is provided that is shown. The car parking demand given current guidance would be comparable.

Conclusion

The proposed development is considered to result in no significant detrimental impact to the character and appearance of the street scene, neighbouring and future occupier amenities, parking or highways safety and therefore accords with the above-mentioned policies and is recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	17 April 2023	Dated:	17th April 2023