

# Delegated Report

## Planning Application

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|------------------------|------------------------------------------------------------------------------|
| <b>Application No:</b> | 20240569                                                                     |
| <b>Location:</b>       | 33 Central Avenue, Gravesend, Kent, DA12 5AN                                 |
| <b>Description:</b>    | Erection of a two bedroom house with new vehicle crossover and dropped kerb. |
| <b>Applicant:</b>      | Mr Bilal Farooq                                                              |
| <b>Site Visit:</b>     | N/A Desktop Assessment                                                       |

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### Submitted Documents/Plans

- Application Form – dated 24 June 2024;
- Signed Certificate B – dated 27 June 2024;
- Ordnance Survey Site Location Plan (scale – 1:1250);
- Existing Block Plan (scale – 1:500);
- Proposed Block Plan (scale – 1:500);
- Drawing no. ICON-167-P1 – Existing and Proposed Ground Floor Plans;
- Drawing no. ICON-167-P2 – Existing and Proposed First Floor and Loft Plans;
- Drawing no. ICON-167-P1 – Existing and Proposed Elevations.

### Relevant Planning History

| Reference | Description                                                          | Decision  | Decision Date |
|-----------|----------------------------------------------------------------------|-----------|---------------|
| 20160120  | Erection of a part two storey and part single storey rear extension. | PERMITTED | 13.04.2016    |

### 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 Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

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

- P3 – Vehicle Parking Standards
- T5 – Access to the Identified Highway Network

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

#### National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed and Beautiful 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)
- Gravesham Design Code (2024)

#### Other Relevant Guidance

- Kent County Council Residential Dropped Kerb Guidance and Self-Assessment (2023)
- Driveway Dropped Kerb Guidance
- Front Driveway Guidance

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

External Consultees

#### KCC Biodiversity Officer

De minimis exemption

4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.

(2) The first condition is that the development does not impact an onsite priority habitat.

(3) The second condition is that the development impacts—

(a) less than 25 square metres of onsite habitat that has biodiversity value<sup>(1)</sup> greater than zero; and

(b) less than 5 metres in length of onsite linear habitat.

(4) For the purposes of this regulation—

(a) “priority habitat” means a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006<sup>(2)</sup>;

(b) a habitat is impacted where the habitat is lost or degraded such that there is a decrease in the biodiversity value of that habitat;

(c) “linear habitat” means the types of hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric<sup>(3)</sup> (which are measured by length (expressed in kilometres) rather than area).

The following habitats have a value of zero – hardstanding and buildings. Astroturf would probably also qualify as zero.

So, if the development will affect more than 25 square metres of habitat that could be green, vegetated garden (including amenity grassland), then BNG will likely apply (if not otherwise exempt). The loss of a single tree will also usually take them above threshold. This can be easily demonstrated by reading the definitions of tree sizes in the user guide and putting the relevant sized trees on-site into the tree helper in the calculation tool.

### **Internal Consultees**

Local Ward Councillors – No comment received.

### **Neighbouring properties**

Twelve surrounding properties were consulted and two representations were received. The neighbour registered objection to the proposal, providing only non-material planning considerations.

#### Material Planning Considerations

- Out of character
- Impact on street scene
- Loss of historic boundary wall
- Impact on parking
- Loss of green space / impact on biodiversity

#### Non-Material Planning Considerations

- Flooding of the Road

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

The consultation period expired 30 July 2024.

### **Officer's Analysis**

#### **Site Description**

33 Central Avenue is an end of terrace property located on the eastern side of the highway, on the corner of Malvina Avenue.

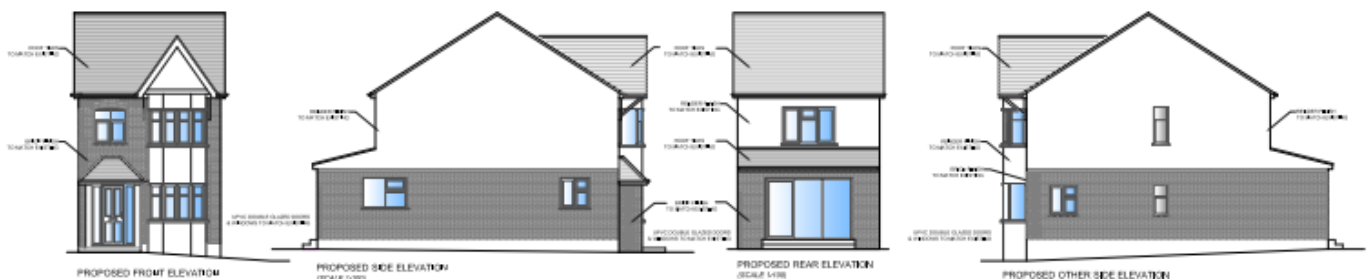


## Proposed Development

This application proposes the subdivision of the curtilage and the erection of a single detached dwelling in the side garden. The proposed dwelling would have a two storey front gable, with bay windows, a porch and a pitched roof single storey rear projection.

The approximate dimensions of the proposed dwelling are:

- Depth – 11.2m
- Width – 4.9m
- Height (max) – 8.2m
- Height (eave) – 5.55m



The proposed dwelling would have a porch, kitchen, shower room and living dining room on the ground floor. At first floor level there would be a double bedroom, a single bedroom and a family bathroom.

## Principle of Development

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

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

## Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

*"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."*

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- 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 182)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

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

### **Density of Development**

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Based on the site area of the site the density of the development would be circa 50 dwelling units per hectare thus exceeding the minimum target density. Therefore, the proposal exceeds Policy CS15's (LPCS) minimum density in the urban area and calculations would be expected to show a slightly higher density.

### **Design, Character and Appearance**

Policy CS19 (LPCS) states that the design, layout and form of new sustainable development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2023) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The surrounding area is characterised by two storey terraced properties, which are of similar scale and design. The proposed dwelling would be detached on the corner plot, separated from the existing terrace by 1.1m. Although the proposed dwelling has been designed with similar features, including the two storey bay window front gable and porch, due to the constraints of the site the building appears squashed and contrived against the larger uniformed dwellings within the terrace (as demonstrated in the image below):



As demonstrated in the comparison image above, the new dwelling would appear at odds to the host dwelling (no. 33 Central Av) by virtue of its slender and compressed appearance. Moreover, a detached dwelling severely is out of character with the surrounding area and the development would have a negative impact on the street scene. Therefore, the design of the house proposed is neither a continuation of the form of the terrace nor has it been designed to be a subservient structure with a 'set back' of the front elevation and 'step down' of the ridge of the roof.

Gravesham's 'design guide (SPD) (2021)' sets out the key principles for new development and states that proposals should reflect, respect and respond to the original character, however subservience and set-back from the building line are preferred. Furthermore, the SPD states that extensions to corner plots are highly visible and should respect established building lines and not dominate the street corner.

The proposed dwelling will develop a corner plot, which is an established and planned area of open space within the street scene. These planning open areas on corner plots are reflected in the wider area and the building lines are established in a manner to reflect these open corner plots, with the new dwelling projecting forward of the established building line of Malvina Avenue. While it is noted that some properties within the area have been extended to the side on corner plots, extending beyond the general building lines, however the proposed detached dwelling would appear as a prominent and overbearing addition to the street scene, which is cramped in its surroundings and fails to make a positive contribution to the character and appearance of Central Av or Malvina Av.

Similar developments for new build dwellings on corner plots within the borough have been refused and dismissed at appeal, at Codrington Crescent (APP/K2230/W/22/3291943). The appeal decision has been attached as Appendix 1.

As part of the proposal, the historic and decorative front boundary wall would be removed to accommodate the parking of vehicles on the frontage. The front boundary wall is a characteristic of the terrace on the eastern side of Central Avenue. The decorative boundary wall and soft planting front gardens make a material contribution to the uniform and verdant character and appearance of the immediate terrace and street scene.



Therefore, the removal and hard-paving of the frontage, without any retained landscaping would have a harsh, overdeveloped appearance to the detriment of the character of the street scene. This stance is supported by appeal decisions on nearby Hillingdon Road, where inspectors dismissed appeals for the removal of decorative front boundary walls, due to the impact on the street scene:

- 23 Hillingdon Road - APP/K2230/D/20/3249712 (attached as appendix 2)
- 11 Hillingdon Road - APP/K2230/D/21/3289984 (attached as appendix 3)

Overall, the proposed development is out of character and overdevelopment of the site. The new dwelling would be detached from the terrace, squeezed onto the site and would appear as a contrived by virtue of design and be overly prominent through disrupting the established building lines. Moreover, the development would have a negative impact on the terrace through it's appearance and the harsh, overdeveloped frontage. Therefore, the proposal is poor design, contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

### **Amenity of Future Occupiers**

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) require a two storey dwelling for three people to have a floor area of 70m<sup>2</sup>, with built in storage space of 2m<sup>2</sup>. The internal space for the property is approx. 77m<sup>2</sup> and therefore the proposed dwelling is considered to provide acceptable quality accommodation for future occupiers in terms of floor area.

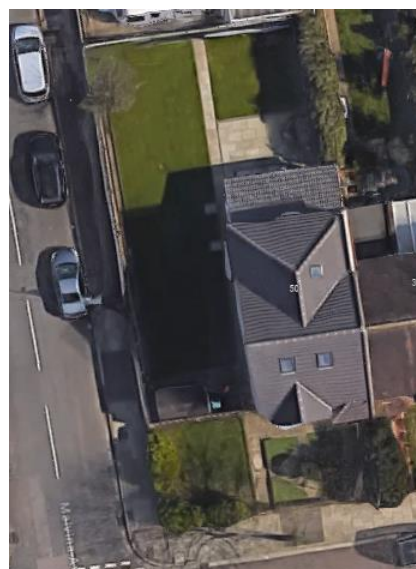
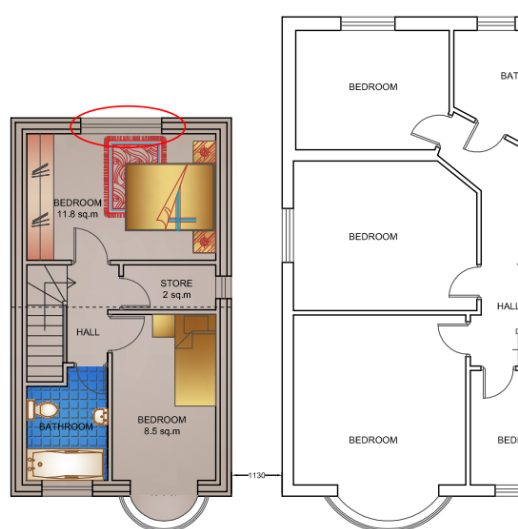
Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property for comparison.

|                | RLG<br>(minimum<br>floor area) | Proposed<br>Room Size |
|----------------|--------------------------------|-----------------------|
| Living/Diner   | 18m <sup>2</sup>               | 20.2m <sup>2</sup>    |
| Kitchen        | 7.2m <sup>2</sup>              | 7.3m <sup>2</sup>     |
| Shower room    | 3.6m <sup>2</sup>              | 3.1m <sup>2</sup>     |
| Double Bedroom | 11.5m <sup>2</sup>             | 11.8m <sup>2</sup>    |
| Single Bedroom | 7.5m <sup>2</sup>              | 8.5m <sup>2</sup>     |
| Bathroom       | 3.6m <sup>2</sup>              | 4.15m <sup>2</sup>    |

The table has been colour coded (green complies, red fails) to show which rooms within dwelling meet the guidance within the RLG. The table demonstrates that most of the rooms comply with the minimum floor area recommendations, with the exception of the ground floor bathroom. However, this room is annotated on the floor plans as a shower room and given that a shower basin occupies less floorspace than a bath, this is not considered to impact on amenity. Therefore, on balance, the rooms within the dwelling are suitable and in accordance with Gravesham's RLG.

In terms of amenity space, the new dwelling would have a garden area of 45m<sup>2</sup> and an overall depth of 7.6m, which is in accordance with the requirement set out in Gravesham's RLG.

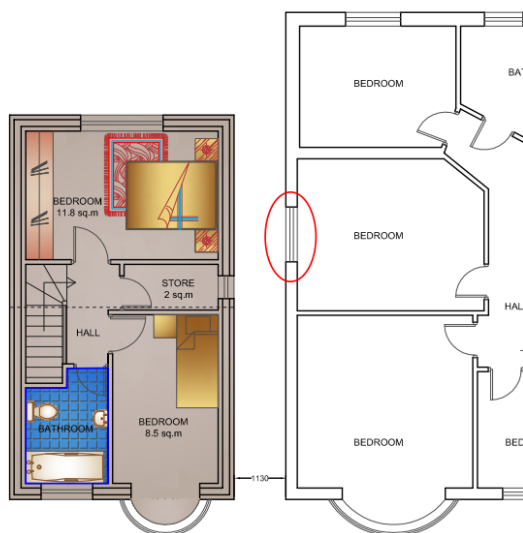
The proposed dwelling will be position to the north of no. 33 Central Avenue, which has been extended to the rear by part two storey and part single storey. The first floor rear extension projects beyond the rear wall of the proposed dwelling by approx. 2.2m. Due to its position to the north, the existing building would have an overshadowing impact on the rear windows of the proposed dwelling, which serve the living/diner and master bedroom. The living/diner has bifold doors out onto the garden and a secondary window serving the living space, which is considered to overcome significant loss of light. However, the bedroom is only served by one rear window and would be overshadowed by the extension to no. 33 for large portions of the day, resulting in harmful impact on a habitable room to the detriment of amenity.



### Existing Dwelling (no.33 Central Avenue)

The application property is a five bedroom end of terraced dwelling. The proposed development would reduce the existing garden area, but would retain an L-shaped amenity space with an area of 101.5m<sup>2</sup> which is in accordance with Gravesham's RLG.

However, the existing dwelling has flank windows facing northward at ground and first floor level. These windows serve a living room and dining room on ground floor (secondary windows) and a bedroom at first floor. The new dwelling would be constructed 1.1m from the flank wall of the existing property and would therefore have a detrimental impact on the amenity of existing and future occupiers of the dwelling through loss of light, loss of outlook and sense of enclosure for habitable rooms.



Therefore, by virtue of constructing a dwelling in the side garden the sole window serving a bedroom would be impacted and the development fails to safeguard amenity contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

### Conclusion on Amenity

The proposed fails to safeguard future occupier amenity of both the host and proposed dwellings, through loss of light, outlook and sense of enclosure impacts on habitable bedroom windows. Therefore, the development is considered harmful to amenity of future occupiers and is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

### **Neighbouring Amenity**

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The proposed dwelling is set forward of the building line of properties on Malvina Avenue and would not have any impact on privacy or through overlooking. Moreover, the new dwelling is approx. 21m from the closest property on Malvina Av and would not have any overshadowing, outlook or sense of enclosure impacts.

Similarly, the new dwelling is not considered to have any impact on other properties on Central Avenue, which located approx. 16m (north) and 25m (west).

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

### **Parking and Highways**

The proposed development would involve the formation of driveways and crossover in front of both the new and existing dwellings. The driveways would accommodate two vehicles, parking perpendicular to the highway and would include an electric vehicle charging point.

The proposed crossovers will be approximately 2.2m from the junction with Malvina Avenue. This is substantially below the minimum recommended distance between a vehicular access and junction, which according to Kent County Council's vehicle dropped kerb guidance (2023) should be 10m. Therefore, both new crossovers would present a risk to highway safety.

Secondly, the depth of the driveways are substandard. The parking spaces on each are positioned in front of the means of access to the dwellings, with maximum depths of 5.25m (both existing and proposed dwellings). Kent County Councils dropped kerb guidance (2023) requires parking spaces in front of a means of access to have a minimum depth of 6m. This is likely to result in vehicles overhanging the footway and is a risk to safety.

In addition, it is unclear from the information provided whether pedestrian or vehicular visibility splays would be provided in accordance with Kent County Council or Manual for Streets (2007) guidance. The proximity to the junction limits vehicular visibility and that of children on the footway turning south onto Central Avenue from Malvina Avenue.

Overall, the proposed crossovers and driveway arrangements for the dwellings are contrary to highway policy and a hazard to safety. The proximity to the junction, substandard depths and limited visible splays increase the potential for collisions. As such, the proposal is considered to be a risk to highway safety contrary to Policies CS11 and CS19 (LPCS), saved policy P3 and T5 of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4), Kent County Councils dropped kerb guidance (2023) and Section 9 of the NPPF (2023). Furthermore, the proposed development fails to deliver parking for a two bedroom dwelling and is contrary to Gravesham's adopted parking standards (SPG4) (2006).

#### Waste Management and Refuse

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

The plans show that the bin store would be located in the frontage of the new dwelling. There is adequate space to the front of the building to accommodate bins, which would be dragged by occupiers to the edge of the highway on collection days. Therefore, the proposal accords with Policy CS19 (LPCS) and would provide suitable waste and recycling provisions.

#### 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 £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £328.27.

The applicant has not paid the SAMMS Mitigation Contribution Agreement and therefore fails to meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 185 and 187) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

### Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The proposed development would affect 25m<sup>2</sup> of onsite habitat and impacts onsite priority habitat and therefore is not de-minimis exception.

This has been confirmed by Kent County Council Biodiversity, who stated that "So, if the development will affect more than 25 square metres of habitat that could be green, vegetated garden (including amenity grassland), then BNG will likely apply (if not otherwise exempt). The loss of a single tree will also usually take them above threshold. This can be easily demonstrated by reading the definitions of tree sizes in the user guide and putting the relevant sized trees on-site into the tree helper in the calculation tool.

*As shown below the loss of the mowed grass, shrubs at the front along with the mowed lawn to the rear will result in more than 25 square metres of habitat being lost.*



Therefore, additional information is required under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. However, as the application is deemed to be unacceptable no further information is required.

## **Conclusion**

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

While the proposal may seek to make a more efficient use of the site, and would provide a 1 bed dwelling, this should not be outweighed by the clear development plan objectives that include maintaining and improving the character of the area. The proposed dwelling is inappropriate development on a corner plot which disrupts an established building line, develops a planned open area within the street scene and is a cramped form of development that is contrived in design, is out of character and out of keeping with the layout and appearance of the properties in the immediate area. Moreover, the development harms the character and appearance of the area through the removal of the decorative front boundary wall for vehicular parking. On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 125, 128, 131 and 135 of the National Planning Policy Framework (2023).

The proposal is cramped onto the site and fails to safeguard amenity of future occupiers of the existing and new dwellings by virtue of loss of light, loss of outlook and sense of enclosure impacts on habitable bedroom windows. Therefore, by virtue of impacts on habitable rooms the development fails to safeguard the amenity of future occupiers and is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

The proposed crossover and driveways represent a risk to highway safety and an increased chance of collision due to proximity to junction, substandard depths causing vehicles to overhang the footway and inadequate sightlines. As such the proposal is contrary to Policies CS11 of the Gravesham Local Plan Core Strategy (2014), saved policy T5 of Gravesham Local Plan First Review (1994) and Kent County Council dropped kerb guidance (2023), as well as Section 9 of the National Planning Policy Framework (2023).

Lastly, the development fails to safeguard biodiversity impact of the development on site by providing no net gain and mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

## Recommendation

Refusal

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

|                      |                                                                                   |                     |                                      |
|----------------------|-----------------------------------------------------------------------------------|---------------------|--------------------------------------|
| <b>Case Officer:</b> | Mr Ethan Bonthron                                                                 | <b>Team Leader:</b> | <b>Richard Hart</b>                  |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>                        |
| <b>Dated:</b>        | 22 <sup>nd</sup> August 2024                                                      | <b>Dated:</b>       | <b>4<sup>th</sup> September 2024</b> |