

Delegated Report

Application No: 20211472

Location: Invicta Bar, 31 Windmill Street, Gravesend DA12 1AS

Description: Erection of a first floor rear extension to provide a one bedroom self-contained flat with shared outdoor space incorporating the staircase access to the first floor accommodation and including the replacement of the existing main roof tiles.

Applicant: Mr Mat Stevens

Site Visit Date: Desktop

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form received 1 December 2021.
 Planning Statement received 1 December 2021.
 Drawing no. WS31-A-P2 (existing and proposed plans) received 1 December 2021.
 Drawing no. WS31-A-P3 (existing and proposed elevations) received 1 December 2021.
 Drawing no. WS31-A-P1 (block plan and location plan) received 1 December 2021.

Relevant Planning History

20201058	Erection of a first floor rear extension to provide a one bedroom flat incorporating the existing staircase to the upper floor accommodation and including re-roofing of existing building.	Refused, appeal dismissed	09.12.2020
20170524	Erection of a two storey rear infill extension and construction of a first floor level; to provide a one bedroom self-contained flat, with storage in the roof level.	REF	28.07.2017

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS12 – Green Infrastructure

- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Paragraph 33 of the National Planning Policy Framework (2021) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic 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:

- “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 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

- SPG2 - Residential Layout Guidelines (1996)
- SPG 4 - KCC Parking Standards (2006)
- Upper Windmill Street Conservation Area Character Appraisal

Consultations, Publicity and Representations

Conservation Architect

A 'blind' stable entrance would be a more appropriate and convincing pastiche.

Regulatory Services

No comments made.

Highway Development Management Officer (comments from 20190596 (withdrawn))

This is a town centre application and no car parking is required But SPG4 does require the applicant to provide secure and weather proof cycle parking for one bicycle'

Minimum Cycle Parking Standards

Individual residential dwellings ⁽¹⁾	1 space per bedroom
Flats & maisonettes ⁽²⁾	1 space per unit
Sheltered accommodation ⁽²⁾	1 space per 5 units
Notes:	1. Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision. 2. Parking provision should be provided as a secure communal facility where a suitable alternative is not available.

However I doubt in isolation this would be a case of refusal.

Neighbouring properties

The application was advertised by site notice on site in a local newspaper as development affecting the character or appearance of a conservation area and individual letters to 7 neighbouring properties. No letters of representation have been received.

Analysis

Proposal

This application seeks planning permission for the erection of a first floor rear extension to provide a one bedroom self-contained flat with shared outdoor space incorporating the staircase access to the first floor accommodation and including the replacement of the existing main roof tiles.

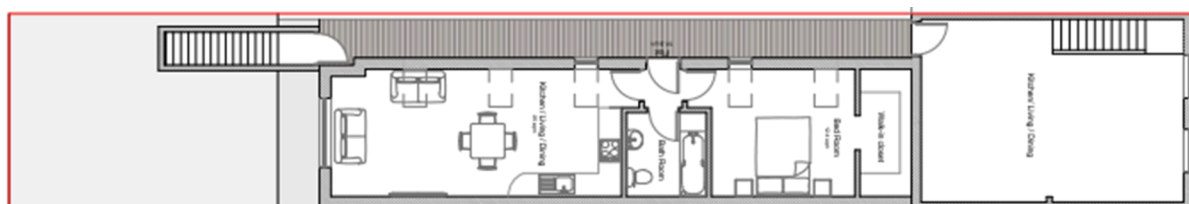
The proposed extension will be approx. 14m deep and 5m wide. It will be approx. 7.5m high with a pitched roof and parapet walls to the side. Internally it will have a bathroom, kitchen/diner/lounge/bedroom. There will be an area of flat roof that will remain as outside space.

Background

Planning application reference 20201058 sought permission for the erection of a first floor rear extension to provide a one bedroom flat incorporating the existing staircase to the upper floor accommodation and including re-roofing of existing building:



FIRST FLOOR PLAN



SECOND FLOOR PLAN



This was refused for the following reasons:

The proposed first floor additions are considered to be poorly designed and would have an unacceptable impact on the appearance of the site and the wider street scene. The development would be highly visible within the streetscape and views from Eden Place and the scale, position, detailing and design fails to preserve or enhance the character and appearance of the Upper Windmill Street Conservation Area. The proposals are therefore contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014 paragraph 127 and section 16 of the National Planning Policy Framework 2019.

The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

The appeal was dismissed on 23 November 2021. The applicant had acknowledged the need to pay a contribution for mitigation but did not pay it.

The current proposal:



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.

Character and Appearance

The application site is located within the town centre and the Upper Windmill Street Conservation Area. The street scene is characterised by retail units with traditional shop fronts some with tables and chairs outside. The site is a bar with an outside seating area. To the rear is a long single

storey projection that serves the bar. On the first and second floors is a three bedroom flat arranged over two floors. To the rear of the terrace of properties are various additions and projections and mostly service yards. Beyond this to the rear is a car park with an extant permission for flats.

The site is highly visible from Eden Place where the area is predominantly comprised of the rear service areas for the commercial properties which front Windmill Street. The conservation area appraisal notes that the "loss of a strong rear plot line and delineation between the public and the private realms has created a much more open, ragged, character" to the area. At present only 1 Lord Street to the south (Watermans Estate Agents, on the corner of Lord Street and Eden Plan) and 21 - 24 Windmill Street to the north (Bennett and Brown beds and furniture) address the road frontage to any sort of active degree. The development at Bennett and Brown (21-24 Windmill Street) was granted permission in 2005 pre-dating the Core Strategy and the National Planning Policy Framework 2021.

The previously refused application was considered poorly designed due to the various roof forms, height of the eaves and flat roofs. Concerns were also raised with regards to its large scale and lack of fenestration and detailing. The Planning Inspector did not share these concerns. His view was that the rear of the buildings were characterised by a more open and ragged appearance as stated in the Conservation Area Appraisal. He felt that the proposed extension would give a degree of coherence to the rear of the appeal property and, whilst it would add to the bulk of the building, it would have a simple form, consistent with outrigger extensions on terraces of this type and comparable in scale with the multi storey extensions facing Lord Street and at nos. 21-24. He recognised that the parapet flank walls would be blank but there would be a reasonably wide gap to the upper floors of the main building which would help break up the overall massing of the building. He referred to the possibility of using a condition to ensure the external materials match the existing building and help assimilate the extension with its surroundings.

The proposed scheme is smaller in scale to that which the Inspector refers. It therefore has a lesser expanse of flank wall and is less bulky. The design is more coherent because there is just one roof shape. He applied weight to the fact that the gap between upper floors of the main building would help break up the overall massing. This proposed scheme separates the main building from the proposed extension and therefore further adds to the spacing. On the basis that, if the SAMMS payment had been made at appeal, the previous scheme would have been allowed at appeal, and the fact that this scheme is reduced in scale and more coherent, the development is considered acceptable.

The proposed extension to form a studio flat is considered to preserve the character of the Conservation Area and therefore complies with the objectives of Policy TC3 of the Gravesham Local Plan First Review 1994, Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014 and Section 16 of the National Planning Policy Framework 2021.

The Conservation Officer had indicated a preference for a 'blind' stable entrance to the rear rather than a mock window. The applicant has indicated that this would be easier to achieve than the mock window and therefore agrees to a condition that an amended plans showing this will be submitted.

The application site roof contains a number of air conditioning units and other projections (such as the staircase). It is not clear from the application what would happen with the air conditioning units and therefore a condition is recommended that full details of the relocation of these are submitted prior to development commencing.

The amenity area proposed for the flat roof does not have any boundary treatment which is considered necessary for safety reasons. A condition is recommended that full details of any boundary treatment shall be submitted.

The roof is being replaced with Welsh slate tiles. A condition is recommended that a sample of these is supplied to the Local Planning Authority prior to their use.

A condition is also recommended for full details of the windows to be submitted prior to their use on site.

Amenity of Future Occupiers

The internal floor area of the proposed flat is 48sqm. This falls slightly short of the 50sqm required for a one bedroom flat. However, it is noted that this is in fact a studio and therefore, on balance, this is considered acceptable. There is a main window in the eastern flank to serve the flat and additional rooflights. There is therefore sufficient outlook, privacy and daylight for the future occupiers.

Neighbouring Amenity

The proposed flat is proposed to be built in front of a window belonging to an existing flat. The room this serves is also served by two windows on the front (western) elevation. Whilst it will result in this room losing light and outlook, as it is a dual aspect room, it is not considered a significant enough impact to refuse the application on this basis.

No. 33 is located to the south of the application site and has a single storey rear projection with a flat roof. There is a small projection to the rear at first floor. The proposed development will run parallel to this site. There are no windows facing this site and therefore there will be no loss of privacy, outlook or daylight for this property.

No. 30 is located to the north. It does not appear that any windows are proposed in the northern elevation although no drawings have been submitted. There are no habitable room windows in the rear of this property that would be impacted by the proposal.

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 £253.83 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

The site is located within a town centre location and therefore parking is not a requirement however, ideally there should be a space for a bicycle. In this case, there is no cycle space, however, on balance, it is not felt that this is a reason to refuse the application.

Conclusion

On balance, the proposed extension is considered to preserve the character and appearance of the Conservation Area, street scene, amenities, parking and highway safety and therefore accords with the abovementioned Policies and is recommended for approval. It has overcome the previous grounds of refusal.

Recommendation:

Permit

See draft Decision

Case Officer: AW	Team Leader: FH
Signed: 	Signed: 
Dated: 1 February 2022.	Dated: 02 February 2022